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ABSTRACT

This record of the Senate Juvenile Justice Subcommittee hearing concerns the problem of violent juvenile crime. Opening statements by subcommittee members are followed by testimonies from three panels of witnesses. The first panel presents statements by the founder of the Guardian Angels, the director of the House of Umoga, a home for juvenile gang members in Philadelphia, and two juvenile offenders who live at the House of Umoga. Testimonies are reported from a second panel consisting of the acting director of the Office of Juvenile Justice and Delinquency Prevention, the program manager for violent offenders programs, a member of the National Advisory Committee Coordination, and the director of New Pride, a diversion program for multiple serious and violent juvenile offenders in Denver. The third panel statements are from Chicago's police chief, the chief probation officer of Mobile, Alabama, and an administrative judge for a family court division in Florida. The materials focus on the causes and influential factors in the development of juvenile crime, methods to intercept the juvenile crime cycle, and the functions and effectiveness of their testimonies along with additional statements in the appendix. (NRB)

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VIOLENT JUVENILE CRIME

ED217347

HEARING

BEFORE THE

SUBCOMMITTEE ON JUVENILE JUSTICE

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

FIRST SESSION

ON

THE PROBLEM OF JUVENILE CRIME

JULY 9, 1981

Serial No. J–97–48

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VIOLENT JUVENILE CRIME

THURSDAY, JULY 9, 1981

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE ON JUVENILE JUSTICE,
Washington, D.C.

The subcommittee met at 9:35 a.m., in room 6202, Dirksen Senate Office Building, Hon. Arlen Specter (chairman of the subcommittee) presiding.

Present: Senator Denton.

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA, CHAIRMAN OF THE SUBCOMMITTEE ON JUVENILE JUSTICE

Senator SPECTER. Good morning, ladies and gentlemen. With some attention, appropriately, given to the news media, we are now ready to begin these hearings.

These are hearings of the Juvenile Justice Subcommittee of the Judiciary Committee and we are going to be focusing today on the problem of juvenile crime. It is well known that juvenile crime is a major cause of violent crime on the streets of the major cities and the hamlets of the United States, and that juveniles get into a practice of criminal conduct and then graduate to become adult criminals and, ultimately, career criminals.

Our search in these hearings is to see if we can find some answer to intercept the juveniles on their life of crime. There is a repetitive pattern which many of us have noted of delinquency at eight or nine; truancy at eight or nine, then moving into petty larceny, burglary of vacant buildings, ultimately robbery, armed robbery and then homicide, and then graduating beyond that to adult crime, posing an enormously serious problem in this country.

There is a widespread thought that the American people would be as much prepared to pay for a realistic program against violent crime as the American people are willing to pay for a solid national defense. It is with this in mind that we are proceeding with these hearings today.

Our first witness will be Curtis Sliwa, who is the founder and originator of the Guardian Angels, a very unique group which was organized in New York City and now has some 18 chapters across the country.

In an age when it is impossible to have sufficient police protection and impossible to have a policeman at every street corner and at every strategic spot, self-help groups like the Guardian Angels have received a substantial amount of attention.

There is a continuing concern that we not regress to vigilantism, which was an unpleasant chapter in our Nation's history many years ago, but part of our inquiry here today is to consider the role of the Guardian Angels and to consider a group like this and others like Town Watch to see if there can be a meaningful, constructive role for a group like the Guardian Angels in law enforcement.

Before proceeding to the testimony, I would like to call upon my colleague, Senator Jeremiah Denton, of Alabama, who, as all Senators, has an enormously complicated and busy schedule. Senator Denton will have an opening statement to make before his other duties will compel him to go elsewhere. Senator Denton?

OPENING STATEMENT OF HON. JEREMIAH DENTON, A U.S. SENATOR FROM THE STATE OF ALABAMA

Senator DENTON. Good morning. Senator Specter, I share your concern over the alarming rise in the volume of violent crime committed by the young people of our Nation, and I commend you for scheduling this and subsequent hearings for our subcommittee to focus on the subject.

These acts of violence, aggravated assault, armed robbery, rape, murder, are growing in number and are being committed by increasingly younger children. It is no longer uncommon to read of a 14-year-old child who has committed a murder or rape; such headlines are commonplace. So much that I fear that we have become numb and insensitive to the stark reality of what is occurring.

I feel that this tragedy of violent juvenile crime is a symptom of an underlying structural problem in our society—the breakdown and deterioration of the American family, the traditional societal unit for nurturing and raising our children into responsible, law-abiding adults and citizens.

I strongly believe that our inquiry must include an in-depth look at the families of children who commit violent crimes.

Are both parents present in the home? Do the parents, especially the father, invest time, not just money, in their children? Are the children a valued, integral part of the family life, or just a nuisance and drain on family resources to be tolerated until old enough to put out?

These are but a few of the questions, the answers to which I feel will be most constructive to our subcommittee as we search for the real causes of violent juvenile crime.

I solicit the comments of our distinguished panel to this vital aspect of the problem the subcommittee is examining today.

One of our witnesses today is a fellow Alabamian, Robert J. Martin, and it is my privilege to welcome him to our hearing, along with you, sir. Mr. Martin is presently chief probation officer at the Mobile County Youth Center in Mobile, Ala., a position he has held since 1976.

In addition to service as a probation officer for 8 years, he has been supervisor of Intake Services; supervisor of Halfway House, and was primarily responsible for the planning and development of the Crisis Center in Mobile.

He is now serving on the board of directors of the National Association of Family Counselors in family and juvenile courts. Mr.

Martin brings to our hearing a wealth of practical experience and knowledge concerning the violent juvenile offender, gained from his daily involvement with such children and their families.

I would like to welcome Mr. Martin and express my appreciation for the time he and the other witnesses are investing in this hearing.

I regret that I cannot stay. As you mentioned, Senator Specter, I must attend the Subcommittee on Separation of Powers hearing where S. 158, a bill I fully support and cosponsored is set for markup.

I would like to thank you, sir, for your deference in letting me make the statement early.

Senator SPECTER. We are very pleased to have you here, Senator Denton, and we do understand your other commitments. We appreciate your opening statement and look forward to your participation on the subcommittee.

Mr. Sliwa, we now turn over the floor to you. We would appreciate it if you would begin your testimony by telling us something about yourself, your own background, your own personal experiences which led you to become the founder of the Alliance of Guardian Angels. The floor is yours, sir.

STATEMENT OF CURTIS SLIWA, FOUNDER AND DIRECTOR FOR THE ALLIANCE OF GUARDIAN ANGELS, NEW YORK, N.Y.

Mr. SLIWA. Thank you.

I am 26 years old and I reside in a city that is the most criminally infested, the most terrorized in terms of juvenile violence on the face of the United States—that is New York City.

I can say that because the Guardian Angels have initiated efforts to established chapters in 18 other cities around the country, from the west coast right on over to the east coast, and there is nothing like New York City—close, but nothing like it.

I think there are two key areas to really focus in on when we are talking about juvenile violence. I think one is the aspect of the role models that we have submitted to our young people to prescribe, to follow, to try to emulate.

The second area is those agencies, or those people in certain positions of power or authority that I believe in the past 40 or 50 years have begun to spread fear as opposed to a concept to the average citizen that they have the right to be able to fight back within the law.

The Guardian Angels is simply a volunteer concept that utilizes an interracial blend of people—blacks, whites, Hispanics, males, and females—who range between the ages of 16 to 38. We carry no weapons in the commission of our volunteer duties. We take upon ourselves all the costs and expenses of running such patrols. We are not beholden to any private or governmental agency for support.

We exist in what might be considered very basic and prehistoric type training conditions. There is an emphasis on the martial arts, in being able to defend yourself. You go out in groups of eight or more, just as I am, in a red and white T-shirt, serving first as a symbol of deterrence.

I mean, seeing me coming down the street is like seeing George Washington on a dollar bill, you can spot me a mile away. If there are eight of us spread out in a particular area it is a symbol to the good people that, wow, safety is in the area. We feel better with the Angels around.

But to the bad guys, or those with criminal intent on their mind, it is a signal that, well, crime time is up. Not in this area because there are just too many of them. These are not the kind of people who are going to witness a crime and turn their cheek.

The basic backbone of the Guardian Angel concept that so differentiates it from any other type of civilian safety patrol that exists anywhere in this country, is that when a serious crime is being committed that we witness, we assist the complainants and furnish them with support as well as detain the perpetrator and assist the authorities. We have eight people on a patrol.

The first person will run for the cops. The second person will stay with the complainant. The third Guardian Angel will interview the surrounding witnesses. But the other five do a unique thing that was akin to this country 40, 50 years ago—we run after the person who committed the crime, and we detain him for the police. We place him under citizens arrest.

According to the Constitution, we are guaranteed this right as long as we do not violate the rights of the person that we detain and as long as we can prove our charges against the person not just because of what we say, but because we have a complainant who is willing to press charges.

Now, this program has worked successfully for 2½ years in New York City. Initially, the mayor there called us vigilantes; a police chief wanted nothing to do with us, he was washing his hands of the whole matter; and police unions wanted us disbanded.

But 2½ years of having made 144 citizens arrests for attempted armed robbery, armed assault, attempted rape, attempted homicide—we do not deal with drug dealing or pimping, or prostitution, or people drinking in public areas, or playing loud radios and making noise—we deal with the kinds of crimes that really scare people, that have caused them to become hostages in their own neighborhoods and hostages in their own homes.

For instance, if a Guardian Angel patrol is on duty, whether they are in subways or buses or senior citizen areas or public housing projects or parks, or just walking the public byways, God forbid someone should harass somebody, rape him, rob him, savage him, beat him; attempt to break in or steal personal property or public property. The Guardian Angels will be there to defend personal civil rights and personal property.

Now, this is not an idea that Curtis Sliwa invented. Many people have patted me on my red-bereted head and said,

Gee, what a wonderful idea. It is about time that somebody finally got young people initiated in a positive direction instead of what we commonly see is a negative direction: 90 percent of the violent crimes that I have become aware of have been perpetrated by those under the age of 20.

So they say, "A wonderful idea, Curtis."

I am looking and I am saying to them,

You know, it was not my idea. I have learned this at the knees of my grandparents, at the knees of my mom and dad. They told me the way it used to be 40 or 50 years ago. They told me of a time when they could walk through the parks; sleep on

a tenement roof, ride the subways of New York City late at night. My dad, from Chicago, told me that there was never a time that he feared going anywhere in Chicago, or having his mom or sisters or loved ones travel the streets.

I scratch my head and say, "Why can it not be the way it used to be?"

There is only one reason why it is not the way it used to be—we, the people. It is not the mayors, it is not the police chiefs, it is not the prisons, it is not the wardens, it is not the criminal justice system, it is we, the people. We do not get involved the way we used to—and I am going to elaborate on that.

There has been a question as to why did I come up with this concept of the Guardian Angels. Did I get hit over the head? Did my mom get raped? Did my dad get beaten and robbed? No, that was not the reason.

This was the typical scenario: Curtis Sliwa gets up in the morning, ready to go to work. The first thing, as I am drying my hair, coming out of the shower, I look at the six locks on the door. I am depressed.

I look at the bars on my window. I mean, on a sixth-floor apartment in New York I have bars on my window. I am a prisoner.

I turn on the news after coming home late at night from work, and the 6 o'clock news commentator is like Julius Caesar recounting the barbarian invasion of Rome—raping, ravaging, pillaging, stealing. I say, this is like modern-day piracy. I open up the evening newspaper, more of the same.

I am really depressed now, so I go out with the fellows to a local bar. I find out that Jimmy, my best friend, is in the hospital because last night he got jumped on the way home from work and they robbed him of his paycheck and needlessly, for no reason, put a bullet in back of his head—unnecessarily, unjustified, just mystifying young persons' violence against society.

Why does this exist? Well, I am going to tell you. It is our role models, that is what we primarily have to focus on. Whether you live in rich communities, middle-class communities, poor communities; whether you are black, white, or in between, male or female, the role models all basically are the same except in certain instances.

If I come from an impoverished, criminally infested area and my dad is a janitor, working 6 days a week, making $200 to support a wife and family, and just basically meets the necessities of life, how is my dad going to become my role model when "Big-Time Charlie," the guy on the corner, in an hour makes what my dad makes in 6 days?

Big-Time Charlie is out there dealing his dope, hustling his women, with his fancy cars and his fancy clothes. And yet, nobody seems to be interfering with him. Nobody from the public says anything to Big-Time Charlie. There seems to be no input whatsoever from the police department, from the city officials, right on down to the citizens.

I blame the citizens because 40 or 50 years ago the citizens would have never tolerated Big-Time Charlie being on the corner. So, in those areas our role models have become the pimps, the pushers, the drug addicts, the numbers runner, the person selling hot goods out of the back of the bar—any way and every way to get over, the "me" concept, "I have to do my own thing." The law of the streets

in those neighborhoods is, "Either do unto yourself for yourself, or somebody will un-do it from you and take it from you." Survival of the fittest. I feel that is wrong.

But let us forget that, let us go to just turning on the TV. Now I am a rich kid or a middle-class kid. I see my role models on TV. Who are they? The rock stars, the movie stars, the superstars in sports?

Whenever looking at an interview—and God only knows, they are interviewed every other day—the first words out of their mouths are—I—I—me—me. "I just bought a Jacuzzi; I have a summer home on the Riviera; I have four Rolls Royces in the driveway, and I have been signed by Paramount Pictures for the next 10 years at $20 million."

Now, how can you tell a young person that this is a positive role model? It is important for them to be aware of who these people are. It is important for them to be able to aspire to become a movie star, or maybe a rock star, or a superstar in sports. But what are the percentages of young people who can become that?

When I was in high school, I was All City baseball, and I thought I was a whirlwind. I was going to the major leagues, all pro. In a graduating class in New York City of both parochial high schools and public league high schools not one person in the year I graduated ever made professional baseball. And yet, there must have been a whole hundred other young Curtis Sliwas playing baseball that summer who thought they were going to be pros and put all their time into it.

We have estabished a plateau of excellence that will never be achieved by most Americans. But, now the Guardian Angels have sort of come in and filled that void because we are role models young people can actually relate to and whose examples they can follow.

We are not Superman, we are not Batman and Robin. We are the guy next door who went to school with you. We are the woman down the block who operates and works 8 hours a day in a grocery store. We are the young kid who maybe had problems originally in life, might have had a few minor brushes with the law, but now has straightened out his life and is no different than the average young person.

So, in all the cities we are established, the Guardian Angels are the real people. They suddenly stand for what is right within the community, protecting people's rights and protecting people's property.

If you are a Guardian Angel you wear your red beret and T-shirt on a patrol with eight or more. But we tell you, you are a Guardian Angel 24 hours a day, 7 days a week. Johnny, who is a Guardian Angel, when he leaves patrol goes home to the neighborhood. The neighborhood is usually rough and impoverished. But if we catch Johnny on the corner with a quart of brew in his hand and a joint sticking out of his mouth, what kind of a role model effect is that for the little ones running around in the community?

Once again we are putting in their minds that you are a "Good-Time Charlie," someone who is not consistently dependable. We cannot have that. We have to keep fostering these good role models.

Now, there is a question of saying, "Well, are you into censorship, Mr. Sliwa? Are you saying that we should not let these people speak their piece? We should not let people know that they are gangs? We should not make movies about the 'Hells Angels' that glamorize gang activity and started a whole new wave of youthful, juvenile violent crime in this country that we are still reeling from?"

I live in the South Bronx. For 3 years, from 1972 to 1975, the urban American heroes were the gang members of the South Bronx—the Savage Nomads. Now, they were heroes across the country. How did they get to be heroes? Because the media put them into the eye, the national attention. We had certain people who felt that what they were doing was constructive and suddenly all young people were aspiring to be gang members.

We thought we were finished with that, and then a picture like "The Warriors" comes out. The Warriors, which glorified gang violence on the subway system in New York. That actually depicted scenes of young gang members beating up on police officers and really encouraging young people to do that. You left that movie flying on "Cloud Nine," and that is what happened in many areas of our country.

There were shootings, beatings and killings right after the showing of that movie in cities that never before had gang activity, San Jose, Calif.; Springfield, Mass., Holyoke, Mass., where we now have Guardian Angel chapters. You see ancient buildings from Colonial America. You wonder, "There cannot be gang activity here." You walk one block over, in every other block there are young people standing in color, shaking down people, beating them over the head, all in the name of what we call "the weekend warrior" mentality because of that movie, "The Warriors."

But we are not into censorship. We are saying there must be a balance. We have to offer to these young people various opportunities.

Now we get into the effect of what I call the "Fear Mentality." I will give you an average situation, Crime Watch program, since you mentioned it, Senator.

I have no major beef against them except one. A community affairs officer will come into a community meeting, identify himself, and teach the people how to put better locks on the doors; more bars on the windows. How to get a dog who is no longer man's best friend, but because he can kill man. To travel downtown in groups of 50. Not to wear your jewelry. Not to park your car in front of your home. To in essence become hostage in your own home.

Now I say, wait a second. I break my butt 40 hours a week, I pay my taxes. I do not need to elect political officials who employ police officials to teach us how to live in fear. I am horrified, in New York City, that I will ride a subway train and there will be paid advertisements by the Metropolitan Transit Authority urging people to stay at home, not to ride the trains at night, not to wear their jewelry.

Do you know what that is doing? That is flying the white flag. You are giving up to the criminal. Here is a little tike who is

contemplating criminal activity and he is saying, "The people are giving up."

Criminals in the street, if you go to the joint, if you go to the lock-ups and talk to them, they will tell you they were never in fear of the people around them. They never feared anybody interfering with them and stopping them. Their only fear was the men or the women in blue—and because of fiscal cut-backs we all realize that across America—rurally, surburbanly and urbanly—there has been a breakdown in terms of police involvement because there have been cut-backs in the police departments.

So, we have to look to ourselves. We have to blame "we," the people. Forty or 50 years ago, if somebody had broken into somebody's apartment, the whole building would have been alerted. Old women with broomsticks would have been struggling out of their apartments surrounding the apartment. Men who had just downed two six-packs worth of beer and could barely stand up, would be struggling to get down there. The young, infirm, everyone would pounce upon that apartment. You needed a police officer to get into that apartment to in essence kidnap and rescue from a hostile crowd that criminal who tried to bring out those valuable possessions.

Now, I think the time has reversed itself 360 degrees where we expect the police to come into a neighborhood that has grown men, that has young men who are physically capable of dealing with certain situations, and we want the police to rescue whole neighborhoods from three or four thugs who have everyone in fear and in terror. Years ago the neighborhood would have responded.

Sure, they might have wanted to lynch somebody on the corner and you might have called that "vigilante violence," but I would prefer that police officer coming in and protecting the rights of the criminal as opposed to coming in and protecting the rights of the neighborhood from three or four thugs who just have "the walk and the make" of the neighborhood.

Senator SPECTER. Mr. Sliwa, let me ask a few questions at this point. Your opening statement is very impressive indeed.

When you described the conduct of the eight-man patrol, the eight-person patrol and you come to the point of subduing the assailant, what has your experience been, given the fact as you announced it, that your Guardian Angels are unarmed, when it comes to the issue of subduing somebody who is a violent criminal?

Mr. SLIWA. Once again, the criminal has a weapon of fear in his hand. He pumps what they call "kool-aid" in the hearts of the people by saying, "We carry guns and we use guns," and naturally, we see that they shoot people all the time, aimlessly.

Senator SPECTER. Have any of the Guardian Angels been injured as a result of apprehending criminals?

Mr. SLIWA. The only Guardian Angel who has ever been injured while in the line of duty was myself, and that occurred at the very inception of the group where instead of the eight-person patrols we had three-person patrols. I was involved in stopping a rape in the worst section of New York, in the Brooklyn section, that ended up with me falling 30 feet from an elevated platform.

But I am happy to say because the sanitation department in the area did not do their work for the past few months, that instead of

being splattered all over Brooklyn, I hit a pile of debris that was about 10 feet high, and that was able to cushion the eventual fall that knocked me out cold. [Laughter.]

I want to thank the New York City Sanitation Department for that. [Laughter.]

Senator SPECTER. Well, during the course of these 144 citizen arrests, have there not been some occasions when the person whom you were trying to arrest has resisted in a forceable way?

Mr. SLIWA. To give you an example, the average thing on the criminal's mind—and it is usually groups, it is never one. You may have seen one person commit the crime, but there are usually two people involved. Their first thing is survival, get the hell out of there.

Here are eight people coming your way who are trained, whom you consider to be like kamikazes, nonstoppable. See, that is what I am trying to say. A police officer will come onto the scene and he might be by himself most of the time. He has a gun, a stick, and a walkie-talkie.

But that person that committed the crime still thinks that he has the jump on the police officer. You know, it is the old Matt Dillon scene in "Gunsmoke" where you think you can out-draw the officer.

But when you see eight organized people coming at you, your first move is, get out of there; try to flee. Very rarely does anyone put up any type of physical resistance. We usually end up tackling them from behind as they try to score a touchdowm from 90 yards away.

Senator SPECTER. Well, one of the concerns which has been expressed about citizen self-help is that the citizen is simply unable to deal with a violent criminal. That is why I am interested to know of your experiences. What you are saying in effect is that, aside from the one situation that you recounted, that in the course of all of these 144 citizen arrests you have never faced a violent response or a fight being put up?

Mr. SLIWA. Not at all. In fact, the emphasis should also be on how we handle the defendant. In one particular situation a man raped a woman. It was clearly evident as to what he had done. We chased the individual down and we brought him back to the police officers who eventually arrived about an hour later, not having marred him, not having physically deterred him.

But I want you to know, according to the law, even though he had committed a rape—we had the complainant, we had the witnesses—if we would have in any way physically damaged him, he still as a citizen has the right to press charges against the Guardian Angels, and we would have been locked up.

Senator SPECTER. Before we get to the way that you respond to the culprit, which we will come to, I want to be sure that I understand your testimony on the question of the lack of resistance.

You are saying that in all of these cases, 144 cases, no one has resisted the arrest.

Mr. SLIWA. They have not resisted in any great way. There is an example. A former member of ours just this past weekend in New York City came to the aid of two civilians who were being robbed.

There was a crowd of 40 people around. Naturally, being a former member he was not dressed in the shirt and beret. In fact, he was 1 week away from joining the Army, going into the service.

He jumps into the middle of the fracas. He takes on the person attempting to rob them. Two people step out of the crowd and one person shot him behind the head, and he died instantly. Now, this was juvenile violence at its worst because the three people ran around the corner, ditched the gun in the sewer, came back to the scene of the crime, were in the crowd of 40 people when the police officers were loading the body onto the ambulance to be brought to the coroner, and no one in the audience of 40 people spoke up, even though they were all aware of who had just murdered Malcolm Brown.

That is where the problem lies. How can we expect the police to do their job if we, the citizens, are going to play deaf, dumb, and blind? That is really what we are talking about.

If you encourage the juveniles by not getting involved, by not offering them any resistance in the commission of their criminal activities, why, they are going to take that as a stamp of approval, as a sign of their own courage.

In fact, many times for a juvenile to be locked up—we talk about incarceration as a method of rehabilitating a juvenile—it is not that at all. We are just adding a stripe, another badge of courage to them. When they return to the community, now they are a big shot, now they are a big-time hero because they have been locked up, they have done some hard time.

So, we have to analyze, how do you stop that youngster from initially getting involved, from getting rolling to a point where he cannot get out of it? It has to come from the community, it cannot come from the cops; it cannot come from the lawyers or the judges because we have to nip it at the bud before that youngster gets rolling.

The only way to do that is if people in the community, as a unit, en masse—not one person by themselves but en masse—are going to come to the aid of people who are being attacked and stop violent crime. That is the solution.

Senator SPECTER. Mr. Sliwa, Senator Denton must depart momentarily and I will turn to him for questioning at this time.

Senator DENTON. I just want to make a brief comment. I envy you very much this subcommittee's supervision. I want to state my admiration for the witness not only with respect to his specific actions as a citizen—which are exemplary and indeed rare in terms of self-sacrifice and in terms of identifying a problem that needs solving.

I agree most wholeheartedly with the causes you identify, role models. I have said many times in the last year or so that the greatest heroes and heroines are the young people like yourself who are reacting from conscience to peer pressure in ways that are truly heroic.

I wish the heads of the TV networks, the publishers of the newspapers, magazines; the heads of publishing companies; the heads of the movie industrial complexes would have heard what you have said.

I wish they would realize that we are killing our own society by virtue of some perverse propensity to create these role models who are poison to us. Socrates dwelled on it at length—and I will not quote from him, I often do. There is nothing new about it, but this so-called new morality that we are buying is the old immorality that delayed the dawn of civilization.

The "me for me" kick is the end of a society when it takes over to the degree it has. You are part of the answer and I just want to state my total admiration for you, young man.

Mr. SLIWA. Thank you, sir.

Senator SPECTER. Thank you very much, Senator Denton.

Mr. Sliwa, let us return to the other aspect of the concern which has been raised about private groups aiding in law enforcement, the first being the issue of injury to those who try to intercede, stop crime, or apprehend the violent criminal. The other side is whether there is a degree of so-called vigilantism which is socially undesirable, going back to the days you referred to, of the lynchings.

What has the experience been in the course of these 144 arrests, or perhaps other incidents, as to any harsh treatment of those who were apprehended?

Mr. SLIWA. Well, as I mentioned before, if we even put a knot on their head; if we even put a scratch on them, we are subject to charges because the defendant has the right to press charges even though he might have committed a major heinous crime, if civilians detain a person.

But we should look to New York City because that is where we have been at strength for 2½ years—as I previously mentioned, under very hostile circumstances of police and public officials.

As of May 29, 1981, a memorandum of understanding was reached with Mayor Ed Koch of New York and the police departments. What it stated was that the Guardian Angels are recognized as an independent and autonomous group, who now have a working relationship with the police department. They are not an auxiliary police force or an extension of the police department in any type of civilian police patrol.

But we have identification cards that are supplied by the police department. Record checks are made of prospective applicants. They know all the Guardian Angels because a master list is supplied to them. They will now give us training in the Penal Code of the State of New York and the rights of a citizen to make those kinds of citizens arrest that I described, according to the laws of New York City.

They give us training in cardio-pulminary resuscitation (CPR) and first aid because for every one crime situation we run across, we run across 10 medical situations. We let them know where we are going in advance to where we go; who we are using; what we are doing; how we are doing it, and when we are doing it.

As far as I am concerned, that is the perfect way to have a relationship with the city officials. We can establish a relationship with the city of New York as we have, but still remain autonomous and independent.

Senator SPECTER. Mr. Sliwa, I believe that the law would permit a citizen to make an arrest for a felony which is committed in the

presence of the citizen, and in the course of the apprehension, as the law defines it, to use "reasonable force" to subdue the assailant.

Now, what I would like to direct your attention to as specifically as you can respond is, what kind of force has been used by the Guardian Angels to subdue people? What has happened among the Guardian Angels on subduing, and what has happened to those who have been subdued?

The crux of an evaluation of a group like the Guardian Angels may well turn on that precise moment when the Guardian Angels seek to subdue someone.

Mr. SLIWA. Yes.

Senator SPECTER. Now, you say that the culprits submit.

Mr. SLIWA. Well, let us say they were to resist. In training, a series of arm locks and leg locks are far more effective than a pair of handcuffs, rope, or mace—since we carry neither of those.

Senator SPECTER. How well trained are the members of the Guardian Angels?

Mr. SLIWA. Before becoming a Guardian Angel you have to go through 3 months of training.

Senator SPECTER. How many Guardian Angels are there in New York City?

Mr. SLIWA. There are 700 in New York City and 700 nationally in 17 other chapters. So, there is a total membership of 1,400.

Senator SPECTER. Has anyone who has ever been subdued brought any charges against the Guardian Angels for unnecessary force, unreasonable force?

Mr. SLIWA. There has never even been a threat of any kind of civil litigation by any person that we have detained and turned over to the authorities.

Senator SPECTER. And of the 144 citizen arrests which you testified have been made, how many of those have come to trial, if you know?

Mr. SLIWA. Well, in many instances they sort of fall into three categories. You grab a person and you find out at the police precinct after a record check is run, that they are out on an outstanding warrant, or they violated parole. So, they go right back up. Then it does not even go to trial.

Senator SPECTER. Wait a minute, they go right back up. You mean they are detained for the outstanding parole violation?

Mr. SLIWA. Right.

Senator SPECTER. But the case comes to trial as well.

Mr. SLIWA. Eventually, but the initial reason that they are being grabbed at that point is because they are out on some kind of outstanding warrant. If they violate parole, forget it, they go right back up right away, and then they go to trial.

Senator SPECTER. But those cases do come to trial.

Mr. SLIWA. Yes, but they generally take a long time because first they are going to be brought up on the charges that they were out on a warrant for or out on parole for. Do you understand what I am saying?

Senator SPECTER. I sure do, all the charges take a long time to come up; do they not? [Laughter.]

Mr. SLIWA. In 38 cases, people that have been brought to justice after having been subdued by Guardian Angels have received either a year or more; we are calling that state time.

Senator SPECTER. Thirty-eight convictions have resulted with the sentence of a year or more?

Mr. SLIWA. A sentence of a year or more.

Senator SPECTER. How about the balance of the 144 cases, what has happened?

Mr. SLIWA. Unfortunately because of our plea bargaining system, especially in New York City—just like in the rest of the country, it is like turnstile justice—we have people copping pleas left and right, and then walking.

Senator SPECTER. Do you protest the plea bargains offered by the prosecuting attorney?

Mr. SLIWA. We protest it, but I mean, we are not going to come to the judicial chambers and upset the judicial process.

Senator SPECTER. Do you follow the cases through to trial?

Mr. SLIWA. Well, not only do we follow, we are subpenaed as material witnesses. We have to show up, we have no choice.

Senator SPECTER. Well, sometimes, if a plea bargain is entered into, they may dispense with a trial.

Mr. SLIWA. That is what usually happens at the first appearance.

Senator SPECTER. So, my question to you is, if you do follow the case, either by virtue of being subpenaed or by virtue of following it otherwise, sometimes those on the scene—the complaining witness or those who have first-hand knowledge—can have an effect on the prosecutor in offering a plea bargain, and also on the court in accepting it because it has to be accepted by the judge as well.

Mr. SLIWA. What I might add is, it has been brought to our attention through district attorneys' offices that 42 of those individuals who "walked," who were just given out-and-out probation even after having committed major crimes in their past—I mean, some of these fellows have yellow sheets from the ceiling right down to the floor—have been rearrested within a 3-month period of time after having been detained by the Guardian Angels and still, still not done any time.

Senator SPECTER. Do you think, speaking of plea bargaining, Mr. Sliwa, that there is any justification for an arrangement commonly known as a plea bargain, to let someone loose after they have committed a crime of violence, in order to save the system, the courts and the prosecutors, the time to try those cases?

Mr. SLIWA. The way the system is presently run, with the noncooperation of the people; with noninvolvement of people stopping crime within their own community, you would have to extend your budget for judicial services—like the court system and the penal system—you are going to have to just build more prisons.

Senator SPECTER. But in your situation, you do have witnesses who were present to testify, having observed those acts. There is no justification for plea bargaining in those cases.

Mr. SLIWA. Well, a judge will give justification that he has no place to put the prisoner. That is what is taking place in many areas across the country. No detention facility room in order to hold the prisoner.

I think the key is this: If you are going to take a hard line on crime, if you are going to decide to put more what I call "hanging judges" on the courts and build more prisons, you have to decide what to do with the prisoner once you throw him in the joint because all we are doing now is creating a better grade of prisoner once he is released.

A prisoner goes into the joint and ends up getting a whole list of references so that by the time he gets out not only does he have better connections in the street to do what it is he was doing before, but he also understands more about the type of crime he was trying to become expert in.

Senator SPECTER. Mr. Sliwa, what is your feeling as to the mood of the people as to willingness to pay for a criminal justice system that works, including the number of judges necessary, the number of prosecutors necessary, and the number of correctional facilities and prisons necessary in order to really make a dent on violent crime?

Mr. SLIWA. Well, personally I think it is "buck passing" on the part of the citizens, and they are just emulating what their political officials have done and their police officials, by putting it off on somebody else, by saying, "We will solve it with more prisons and more judges." We will not.

As far as I am concerned, the only way to stop the rising crime rate is at the community level by participation of the citizens. You are not going to do it by building more prisons, you are only going to create a worse situation.

Senator SPECTER. But after you have the citizen participation of the Guardian Angels, however the criminal is apprehended and then convicted, do you not need facilities for incarceration to take them off the street at that point?

Mr. SLIWA. Definitely. But at this particular point all the emphasis is on the quick-shot solutions, build more prisons. There is no emphasis on long-term solutions of getting civilian involvement. We give lip service to what the people want to hear right away.

What is going to happen 5 years from now when we built all these new prisons, when we have loaded them up and after doing 2 years of time all these people come back out into the streets and just recreate the crime situation? Where are we putting a stop to it?

What we are doing is, we are taking responsibility from the citizens. We are asking government to do more than they have ever done for the citizens before in terms of criminal justice.

Senator SPECTER. Do you think that the Guardian Angels are having any effect on citizen response in terms of the good example which your organization is setting?

Mr. SLIWA. I think there is no doubt about it. But Senator, when we are paying police officers to go into a community and preach fear, preaching to people to lock themselves in and to in essence reinforce those old boundaries of isolation, then we are in essence perpetuating the problem. We are making it easier for the criminal. We are encouraging these young people to go around and act lawless, and they are not afraid of prison.

You are getting the wrong idea if you think that building more maximum cells and longer indeterminate sentences is what the criminal fears because he does not. It will not stop there.

Senator SPECTER. So, what does the criminal fear, in your opinion?

Mr. SLIWA. The criminal fears people in the streets, people at the parks at night, public places where people are going to get physically involved if anybody tries to mess around with a person's personal rights, rapings, ravagings, beatings, and savagings.

Why did you not have this problem during the depression? You had greater economic necessity to commit crime. My grandfather told me many times he actually thought about going out and getting a gun, and holding up a grocery store because he had no social relief, he had no welfare. He had to stand in a bread line for 13 kids.

Do you know what stopped him? Not necessarily his pride, but the knowledge that if he tried to go out and commit the crime, the citizens in that neighborhood sitting out on the porches late at night would have jumped on top of him. If he had been caught, the stigma of having been convicted or being caught comitting a crime would have forced him to move out of the neighborhood because the neighborhood would not have tolerated him living there.

Those are the reasons that you did not have that increased lawlessness, that wanton violence. The reason you have it now—and believe me, this is right from the streets—is that the criminal and the youngster contemplating a life of crime fear nobody. They do not fear the bars; they do not fear the men in blue, and they certainly do not fear the community.

They would be more in fear of a community that banded together to stop them from committing their criminal activity than any cop with a gun or a stick, or any warden threatening them with two to five.

Senator SPECTER. Mr. Sliwa, I agree that community involvement is important, and the kind of fear and shame that you described is important. But there are many components of the criminal justice system about what is going to happen beyond the point of apprehension. We will have some others who will testify to that.

But let me ask you one final question. Your testimony is very interesting and very appreciated, but we are somewhat beyond the allocated time.

When you describe the corner Big-Time Charlie who is very frequently a drug pusher, and unfortunately these drug pushers are on many, many corners in this country and they are not apprehended by the police. There are many citizen complaints about drug sales in plain view with these pushers staying at liberty.

Is there anything that the Guardian Angels can do about the guy you described as Big-Time Charlie, the pusher on the corner?

Mr. SLIWA. Not at all. There is nothing that the Guardian Angels can do. If the Guardian Angels, who are dressed so visibly, were to try to place a pusher under civilian arrest, everyone walking around with the red beret and the T-shirt would end up with a bullet in his head. Not only that, but would have compliance in certain areas of law enforcement. I think that is the key.

If the Government of the United States wanted to eliminate the drug problem tomorrow, they could do it if they put their minds to it. But apparently some of that money from the streets is filtering into areas that are not what we call "crime pockets" or the "establishment of crime."

Senator SPECTER. You are saying when it comes to the pusher, the street-corner Big-Time Charlie, that simply is beyond your purview because they play a very rough game?

Mr. SLIWA. They play a rough game, but they also have other protection in high circles that protects them. Like I said, if you would allow the police department, certain honest police officers who want to rid those communities of the drug trade, to do their job without them being held back from certain high places, the drug trade could be eliminated in no time whatsoever.

Senator SPECTER. Well, the problem of organized crime and police protection is a very serious one, one which has been the subject of extensive investigation, and one which this subcommittee may well turn its attention to in the future.

Mr. Sliwa, we very much appreciate your coming here, being joined by your fellow compatriots, the Guardian Angels. We commend you for the work which you have undertaken. It is not an easy task, but it is my own sense that citizen participation is a very vital part—not the only part—of what has to be done in the criminal justice system, something which is very, very necessary.

We thank you very much.

Mr. SLIWA. Thank you very much.

Senator SPECTER. We next turn to our second witness, Mrs. Falaka Fattah, who is the Director of the House of Umoja in Philadelphia, Penn., which is an organization put together in 1972, attended by 500 gang members which ended in a gang truce.

On that particular day the gang problem in the City of Philadelphia was one of overwhelming problems and overwhelming proportion, and we welcome you here today, Sister Fattah, to share with us your experiences on juvenile crime.

Would you begin by identifying the two gentlemen who are with you?

STATEMENT OF FALAKA FATTAH, DIRECTOR, HOUSE OF UMOJA, PHILADELPHIA, PA., ACCOMPANIED BY DARNELL CHILDS AND ALBERT JONES

Sister FALAKA. I have with me two young men from the House of Umoja, Mr. Darnell Childs and Mr. Albert Jones. If they were not at the House of Umoja, they would be in a secure facility in Pennsylvania.

In terms of the House of Umoja, it had its beginnings in 1968, at the Black Power Conference which was held in the City of Philadelphia, and attended by over 5,000 delegates from all over the country, parts of Africa, and the Caribbean Islands. It was the concern of those conferees that because of the riots that had occurred in the 1960s, that if long-range plans were not developed, that black people, people of African descent, could become as extinct as some of the Indian tribes.

So, the concern there was for long-range planning and for the liberation of black people. Out of that workshop came the House of

Umoja as a publishing house, and a magazine was produced of which I was the editor, Umoja Magazine.

We developed an editorial policy that we would not submit in our pages any problems for which we did not have any solutions. So, when hundreds of letters came across my desk about the gang problem—at that time Philadelphia, in 1969, was known as the Gang Capital of the country—this was a problem for which we had no solution.

So, I asked my husband—he was the only person on the staff that had any "street smarts," to please go out and at least check into this situation and at least tell us why it was in Philadelphia that children killed each other.

He spent a lot of time in the streets, he had been a former gang member himself. He went to funerals and hospitals. He hung out in the bars—he had a perfect excuse for staying out late at night. He went to the pool rooms, etc., and after a while he began to develop an idea of what was going on.

We found that when black people moved into Philadelphia from the South, that they did not move as a family group. That they did as many immigrants did, first one family member would come and they would get themselves settled. Then another one would come, then another one would come. So that that was the beginning of a breakdown within the family structure.

Senator SPECTER. How much importance do you place on the breakdown of the family structure as a cause of juvenile crime?

Sister FALAKA. It is a very large factor as far as the creation of gangs because for many young people in the latter sixties and the early seventies, they had transferred the loyalties that normally are found within the family structure, to the corner.

But that was not the only contributing factor, it was one of the major ones, though.

Senator SPECTER. What are the other major contributing factors, as you see it, beyond the breakdown of the family?

Sister FALAKA. Certainly, the economic factors because even when the families would physically come together it was necessary, for economic reasons, for both family members to be working. So that in Philadelphia you would see young children walking the streets, and they would have keys around their necks. That key basically meant that there was nobody home, and this key simply gave them entrance into their home if they wanted something to eat.

Among the gangs we found that for a lot of them the tradition of sitting down to a dinner meal together and having social interchange did not exist.

Senator SPECTER. What other factors would you particularize, Sister Fattah, besides breakdown of the family and the economics?

Sister FALAKA. I would also say that there was a great deal of oppression. During those years we had first Police Commissioner Frank Rizzo and then we had Mayor Frank Rizzo, and there was a great deal of police brutality.

Many times it was documented that when the police would apprehend a gang member, instead of returning him back to his own neighborhood if they did not want to arrest him, they would drop him off in another gang's turf, which was absolutely sure to be

either death or injury for him. So that there were other factors in terms of dealing with the police.

Senator SPECTER. What is your best thinking, Sister Fattah, as to how to cope with the problems caused by the breakdown of the family?

Sister FALAKA. I can only speak about what we have done.

I can only say to you that when my husband found in his investigation that one of our own sons—of which I have six—was a member of a gang, my academic interest completely changed into totally maternal, and I invited 15 members of his gang to come and live with us.

Now, that was over 500 gang members ago that lived at the House of Umoja. We did not try to break up the gang, we simply utilized the extended family. In other words, they accepted us in.

Senator SPECTER. How could you accommodate that number of people? That is, were there a lesser number at a more limited period of time, how did you accommodate 500?

Sister FALAKA. We had a two-story five-room home on a very small block in West Philadelphia. What we did was simply remove all of our furniture.

Senator SPECTER. A two-story five-room home?

Sister FALAKA. Yes.

Senator SPECTER. And 500 gang members.

Sister FALAKA. We began with 15 added to our own family so, we are talking about 23 people living inside that small dwelling in the beginning.

I am saying what we did was, sold and gave away all of our furniture and then we bought camping supplies and simply camped inside of our house. We were not aware that there are other ways that you start programs. In fact, we did not know that we were starting a program. We just wanted to see if having a strong family unit would make a difference in the violent behavior of gangs.

What we found after having 200 youths live with us—and they usually were from 15 members to perhaps 30 at a time—we found that those that lived with us did not return to gang warfare. However, it had no effect, whatsoever, in terms of the slaughter that was going on out in the streets.

So that in 1972, when Mayor Rizzo asked for all the gang members to turn in their guns, what we did was, we had the gang conference that you referred to. We simply asked the 200 youths that had lived with us to contact the leaders of their gangs and ask them if we could sit down and discuss a way that we could live in peace. Over 500 came to the conference.

Senator SPECTER. Do you think that you were successful in dealing with the 500 gang members that you describe?

Sister FALAKA. Well, since that time it has been pretty well documented that it was a successful conference.

Senator SPECTER. And how has it been so documented?

Sister FALAKA. It was documented because of first the 32 gangs that made peace. Of those 32 gangs, 22 were able to keep their peace pledges. Later on in 1975, those numbers of 32 gangs that had made peace pledges rose to 80. At that time there were about 85 active gangs.

I think that is not the only factor, though. I think the reason why the conference was a success was not that we called them to the meeting, but because we had the cooperation from within the prisons because the entire year 1973 we visited every prison in Pennsylvania where gang members were held.

As far as gang traditions are concerned, it is the person in jail who is doing the time for whom the corner has the most respect. So, we went to them and asked them to give us their support in having the conference.

I think that it is incorrect to think that people in prison or people on the street have no redeeming features.

Senator SPECTER. What is your personal evaluation of the effect of time in jail in terms of deterring that person from future criminal conduct?

Sister FALAKA. I think that imprisonment can have both a positive and negative effect, according to the person. I have seen young men go into prison and because of the oppression there, that they have educated their minds and have come out and become change agents, such as Malcolm X did.

Then I have seen others who have come back out, and they are ten times worse when they come out than they were when they went in.

Senator SPECTER. What changes, if any, would you suggest for the prison system to stop the person from coming out ten times worse, as you described it?

Sister FALAKA. Well first, I do not believe that we have a need for prisons. I think that this society, the way it is constructed, actually manufactures criminals. We can have all the street patrols we want, but we are still manufacturing criminals.

One of the things that I noticed when I visited the prisons was that they have a very bleak area for the families that come to visit. They have a large sign in one of them—I think it is Holmesburg Prison—where they tell the mothers to be very careful in terms of curbing the behavior of their children. But there is nothing there for the children to play with. There is no playroom. But, when you go to a big hotel you see a playroom for children.

So, I think that in many instances crime begins also in the cradle by the lack of attention that is given toward the family structure.

Senator SPECTER. Sister Fattah, when you say you do not think there should be prisons, are you saying that you do not believe that there are any violent criminals who have to be detained in order to protect society?

Sister FALAKA. I have, out of the 500 youths that have lived at the House of Umoja—and they have had crimes from murder, assault and battery, all of the crimes that most people are worried about—the only youths that we do not accept are those who are psychotic, and they need to be treated at a mental institution; or those who are on drugs, and I think that there are plenty of programs that deal with that.

I am saying that for a person who is committing a criminal act, that if that person is given support systems at a time that he is able to accept it, that it would not be necessary for there to be prisons.

Senator SPECTER. At what point in the life of an individual do you think it is most critical to provide that support system?

Sister FALAKA. I think that at many times, many different ages that it can happen.

Senator SPECTER. One of the questions which we are seeking an answer to in looking at the crime cycle and the stages of progression is, at what point or points should we make a special effort——

Sister FALAKA. To intervene?

Senator SPECTER. Yes, should we intervene.

Sister FALAKA. I think for the life of a child from birth until the age of 18 all of it is a priority. The children are our future. But in terms of what I can speak to from actual experience, the age group that we deal with is 15 to 18. It seems to be a very critical age because that is the age when any adolescent is trying to do two things: He is trying to find out what kind of adult he is going to be; and he is experimenting, he is doing all kinds of high-risk activities.

At the same time he has a need for structure. If you try to hold on too tight, you will lose him; and in the reverse you will lose him. So, I am talking about, basically, parenting skills, and common sense.

Senator SPECTER. Sister Fattah, you brought two young men with you, Mr. Childs and Mr. Jones. Would you tell us why you have selected them to accompany you here?

Sister FALAKA. Well, they were selected by the other brothers at the House of Umoja to come.

Senator SPECTER. You had nothing to do with it?

Sister FALAKA. Well, all the rules at the house are made by the brothers, which is probably why they obey them. So, I am a very sensible parent, I listen.

They were selected. They are from a program, as I said, a very special program. There are only eight beds in the State of Pennsylvania where youths who are listed as severe delinquents, violent criminals, are permitted to come, and that is the House of Umoja.

Senator SPECTER. Are these men so classified, as severe—how did you put that? I do not want to misstate it.

Sister FALAKA. It is high risk, serious delinquents.

Senator SPECTER. High risk, serious delinquents.

Sister FALAKA. Yes.

Senator SPECTER. Were these young men tried and sentenced, adjudicated delinquents?

Sister FALAKA. Yes.

Senator SPECTER. Let us hear from Mr. Childs and Mr. Jones, if we might. Would you state your full name, please?

Mr. CHILDS. My name is Darnell Childs.

Senator SPECTER. How old are you, Mr. Childs?

Mr. CHILDS. I am 18 years old.

Senator SPECTER. Eighteen years old. Now, I do not want to ask you any questions where you may incriminate yourself, that is not our purpose here. I want to start off by saying that we do not wish you to give any testimony which might subject you to any criminal prosecution. This would hardly be custodial interrogation, but we do want to tell you, you have the right to remain silent. [Laughter.]

Mr. CHILDS. I understand, sir.

Senator SPECTER. Have you been in the family court of Philadelphia?

Mr. CHILDS. Yes, I have.

Senator SPECTER. And you were adjudicated a delinquent there?

Mr. CHILDS. Yes, to the House of Umoja.

Senator SPECTER. What was the conduct that was involved which led to the adjudication of delinquency?

Mr. CHILDS. Well, I had gotten into an incident with a guy in my neighborhood, he had stabbed me, and I shot him.

Senator SPECTER. He stabbed you, and you shot him?

Mr. CHILDS. Yes.

Senator SPECTER. What happened to him, did he survive the shooting?

Mr. CHILDS. Yes, he did. We went to court.

Senator SPECTER. You went to court, and what did the judge say?

Mr. CHILDS. Well, he pleaded guilty, you know, he said that he was in the wrong, but the Commonwealth picked it up and they wanted me to do 5 years. So, they recommended me to the House of Umoja. Instead of doing 5 years, they sent me there, which I am very grateful for.

Senator SPECTER. You chose the House of Umoja over 5 years.

Mr. CHILDS. Yes.

Senator SPECTER. What do you think could be done, Mr. Childs, by society, to have the most beneficial impact on a young person growing up, to try to turn them away from a life of crime and violence?

Mr. CHILDS. Well, I think if they would provide more jobs for the community gangs to study programs they could go visit, I think they would be a lot better off.

Senator SPECTER. And how early in age should those jobs be available?

Mr. CHILDS. Well, from the age of 14 to 18 because like Sister Falaka has said, this way a lot of brothers would like to get more involved with how their life is going to be during their future.

Senator SPECTER. Mr. Jones, we would like to hear from you. Would you state your full name for the record, please?

Mr. JONES. Albert Jones.

Senator SPECTER. How old are you?

Mr. JONES. I am 17.

Senator SPECTER. Have you been adjudicated a delinquent in family court?

Mr. JONES. Yes, I have.

Senator SPECTER. Stating again that you do not have to say anything that you do not want to, what were you adjudicated a delinquent for?

Mr. JONES. For robbery.

Senator SPECTER. One, more than one?

Mr. JONES. One.

Senator SPECTER. Was there a weapon involved?

Mr. JONES. No.

Senator SPECTER. Was there any injury to the victim of the robbery?

Mr. JONES. Yes.

Senator SPECTER. What was the injury?

Mr. JONES. He got punched in the eye.

Senator SPECTER. What do you think society could do to best influence a young person away from a life of crime and violence?

Mr. JONES. Before they get there, right?

Senator SPECTER. Before they get there, right.

Mr. JONES. Offer more programs and more jobs, and take the money that you are putting in other places where it is not needed and put it in the programs for more young people.

Senator SPECTER. How good was the schooling that you received, Mr. Jones?

Mr. JONES. The schooling that I have received, like public school?

Senator SPECTER. Right.

Mr. JONES. Not good.

Senator SPECTER. How long did you go to school?

Mr. JONES. Until eighth grade. But I went back.

Senator SPECTER. Are you able to read and write well?

Mr. JONES. Yes.

Senator SPECTER. Do you have any vocational training that you can pursue a skill at to support yourself?

Mr. JONES. Yes, carpentry.

Senator SPECTER. Why did you leave school at the eighth grade?

Mr. JONES. I got locked up, was incarcerated.

Senator SPECTER. How old were you at that time?

Mr. JONES. Fourteen.

Senator SPECTER. Was that the robbery charge?

Mr. JONES. No. That was another robbery charge.

Senator SPECTER. Another robbery charge?

Mr. JONES. Yes.

Senator SPECTER. How long were you incarcerated at that time?

Mr. JONES. Nine months.

Senator SPECTER. Did you learn anything from that 9 months, or was it all bad?

Mr. JONES. It was all bad.

Senator SPECTER. Were you in the detention center there?

Mr. JONES. Yes.

Senator SPECTER. And did you have associations with people in the detention center which taught you how to be a more effective criminal?

Mr. JONES. Yes. I learned things that I didn't learn on the streets.

Senator SPECTER. Such as?

Mr. JONES. Such as, when I went to the institution from being around, I picked up their ways.

Senator SPECTER. And do you think that your experiences now with Sister Fattah are putting you on the right road to being a law-abiding citizen?

Mr. JONES. Yes, I do.

Senator SPECTER. Sister Fattah, we very much appreciate your being here. Is there any concluding statement you would care to make?

Sister FALAKA. I think that the most important statement to make is that the solution to the crime problem is in the community, but is not just in the apprehension of criminals. It is in terms of

dealing with people on a basic human level before they become a criminal.

Senator SPECTER. How was your House of Umoja supported?

Sister FALAKA. For the first 4 years we raised all of our own money. Since the Gang Conference, we have had city and State funding for child care.

Senator SPECTER. Is that funding in jeopardy now as a result of the budget cuts, or do you know yet?

Sister FALAKA. I do not really know whether it is in jeopardy. I doubt that we will be affected too much because the House of Umoja, as I said, is unique in that we only deal with the high-risk youths. There are so many youths and there is no place else for them to go in the commmunity.

Senator SPECTER. Thank you very, very much. We certainly appreciate your being here.

Sister FALAKA. Thank you.

[The prepared statement of Sister Falaka Fattah follows:]

Prepared Statement of Sister Falaka Fattah

Call And Catalystic Response

A distinct characteristic of African music is a call and response. Juvenile Delinquency is a call for help and the correct response is love support and concern. Before the Philadelphia black community learned this, our children were killing each other at the rate of 35 to 45 per year. Here at the House of Umoja, which is a black nationalist family, with extended family members drawn from 73 gangs across the city, we have made a 12-year effort to respond.

However, first let me explain that blacksdid not bring gangs to Philadelphia. Philadelphia's gang problem is as old as the city itself, dating back to 1791, when waves of European immigrants reached the city of brotherly love. By 1840, Irish, German, and other ethnic groups were fighting for turf and enscribing their names on neighborhood walls. These gangs were armed with slubshots, pistols and knives, and caused riots which resulted in arson, shooting and murder. The gang problem has been found all over the world, in England, Japan, Germany, Austria, Scotland and Russia. In this country, there have been Polish, Irish, Jewish, Italian, Puerto Rican, Mexican-American, and African-American gangs.

Violence by youth of African-American descent rose in Philadelphia, after the social gains of the 60's were taken away in the 70's. It increased until 1973, when Philadelphia's homicide rate for black males, ages 15 to 19 was 10 for every 100,000 black residents. However, in 1974, the gang death declined by 21 percent and there was also a 15 percent decline in gang incidences which are defined as stabbings, shootings, not resulting in death.

to 15 in 1975, 6 in 1976, to 1 in 1977. Youth violence dropped even futher in 1978. With 24.7 percent of all the arrest for violent crimes compared with 26.7 percent during 1977.

Here at the House of Umoja, we spearheaded the "No Gang War in 74', and "Keep More Alive in 1975" campaign aimed at these youths/ and attribute this decline to.

a. Decisions reached by youth on their own and peer pressure via planned conferences and during requests for peace pledges and general discussion.

b. Concerned parents both organized and unorganized, showing their loved and taking more responsibility for caring of their children.

c. Sensitive media coverage exemplified by black journalists such as, Acel Moore, Joe Donnovan, Joe Davidson, Charles Harmon, Steve Shore, Chuck Stone, Laura Murray and Mike Boyle.

d. Community groups, such as Network, Sourthwest Parents, Black United Liberation Front, Mantua Community Planners, Nation of Power Wynnefield Residents' Association, Neighborhood Crusades, and North Philadelphia Mother's Concern.

e. Black nationalists group, such as the Nation of Islam, the House of Umoja, and the African People's Party.

f. Since April 1975, the Crisis Intervention Network aided technically by the Youth's Services Commission and the Juvenile Aid Division of the Managing Director's Office.

g. Changes within the Juvenile Justice System towards humane care. and community-based services.

We have based our findings on the work of an evaluation committee which met on January 4, 1975 to evaluate the effectiveness of the 1974 "No Gang War" campaign. The membership of that evaluation committee included lawyers social workers, priests, probation officers, professionals from the youth, services field & state legislator, and mothers.

Collectively, they concluded that the "No Gang War In 1974" campaign had increased the consciousness of youth to the deadly results of gang warfare and thereby decreased it. The evaluation committee further stated that black youth must have a positive self image if future gang-related deaths were to be entirely eliminated. They called for collection and dessemination of good news about youth, and in addition, they asked the House of Umoja

to continue the peace campaign ito 1975, and they created the slogan, "Keep More Alive in 75'.

In April 1975, before Crisis Intervention Network began its work in the streets, 50 gangs pledged peace during a Life-a-thon which the House of Umoja coordinated with WDAS Radio Station. This activity was planned to coincide with the assassination date of Dr. King, April 4, 1975, and youths were asked to pledge peace in his memory and they did. After the Life-a-thon, the first team of the Crisis Intervention Network went into the street led by team leader, David Fattah, (Field Director of House of Umoja). With him were Charles Burrus, Mike Reed, Morris Manson, Robert Bethea, & Ali Robinson.

By September 1975 the numbers of peace pledged gangs rose to 80 during the last WDAS-Umoja Life-a-thon. Yet in most media coverage of gang warfare, these peace pledges reflecting the committment of the youth is rarely mentioned.

Back in 1969 the problem was so severe, that the news media had labeled it as the "Year of the Gun". Philadelphia was hailed as the street gang capital of America.

Our response at the House of UMOJA was to invite 15 gang members to come and live with us: myself, my husband and our six sons. Prior to inviting them my husband had "took" to the streets to gain impressions of how to cope with the youth. He hung around the corners pool rooms, bars, attended funerals of gang war victims and made visits to hospital emergency rooms, to talk and observe gang members. One of his conclusions was that at the root of the pathology which caused the gang conflicts was the massive disruptions in family life caused by black migration to the North. This migration thrust countless numbers of families into often hositile and strange industrial urban environment. There were economic pressures which forced families to split and among other effects deprived the families of the ability to meet the economic and emotional needs of the youth.

Also, one of our sons was a gang member and this intensified our concern to do something about the problem. As a writer, I researched the black family structure of pre-colonial Africa and was preparing to write a book on the strengths of the tribal structures. After listening to my husband's observations about the problem, I reasoned that perhaps part of the answer to the

problem was in the extended family. An attempt to recreate this kind of kinship, we invited the 15 members of the gang, which my son affiliated with to come and live with us. The only committment made to these young people was to help them stay alive and out of jail.

Once in residence, we encouraged the youth to organize with our family along the lines of the African extended family. I believed that street gangs attract their members because the group can provide the individual with the same emotional and material security as the family unit. The extended family of the House of Umoja served to replace this particular gang's need and gave it something of equal value in its place.

By attempting to divert youth gangs from destructive to constructive activity, we- at the House of UMOJA, have found several detectable causes of violence; namely:

1. Physically punitive - family members
2. Overcrowding in Housing
3. Racial Oppression
4. Lack of personal self discipline
5. Absence of Hope
6. Romaticism re: Hustler life style

Violence as family affair had been prolonged from generation to generation. Physically aggressive parents tend to have physically aggressive children. This is learned violence to the point where violence is expected and accepted behavior.

Our first year together was one of hardship, but at the end of year, no one was in jail, and we were an extended family, that cared about each other. However, we began searching form some way of exporting to others some of the caring and love and concerns that we experienced at the House of Umoja.

By 1972, the administration, was calling for gang members to turn in their guns. It was our feeling at the House of Umoja that the gangs would not turn in their guns, and that we were not quite sure what the reaction of Mayor would be if he was not successful. Also, we had noticed at the House of Umoja that each time there was a death in the streets, it affected the harmony within the House .

We were very concerned about what we could do to solve the total problem. We had developed a system at the House of UMOJA, which we called the "adella system", where if anyone had a grievance against another person in the house, we would discuss it until we were able to negotiate an agreement.

Beginning in 1972, we launched a series of gang coferences bringing together the leadership of gangs to discuss the causes of the wars and to develop agreements for peace. We were supported in this effort by the Church, Black Social workers, the "Activist" community and the Guardian Civic League (the local police association.)

At each conference recurrent themes were raised by the youth. They wanted respect, job decent reqreational opportunities, and understanding, but they themselves had not respect or understanding for the value of human life. They were hopeless, but aggressive and their frustations and tolerance were low. We also found that they were used by everyone. They were used by Politicians to get elected, and also used by government and social agencies to get money. We found that gang youth had become an economic base for the greedy and an escape valve for the racist. However, we also found a crying need for love and willingness to communicate.

In 1973 we decided not to have a conference, but to visit gang members in prisons throughout the state of Pennsylvania, and to solicit their support in planning a final conference and all out campaign to end gang wars.

That final conference was held on New Year's Day, January 1, 1974, with 32 gangs in attendance. One of the most significant agreements, was between the Valley and Norris street which had been traditional enemies for years, and who were responsible for four of 1973's 44 gang deaths.

Another significant agreement came four days later at a meeting between the Zulu Nation and the 8th Diamond street at the House of UMOJA.

Their agreement was written on a "No Gang War Poster" and given to Governor Shapp by the youth themselves on January 8th, 1974. The Governor responsed by ordering the posters to be placed in every State Store In Philadelphia.

The struggle for agreements continued throughout the year. Discussions were held in Churches, Police Stations, on street corners, in Homes, Schools, and recreations centers.

Hundreds- of people became involved as the catalyst for peace in street impacted on the Philadelphia Community. It was an idea who's time had come and the youth responsed to the outpouring of attention which they so badly needed.

Response ranged from the call for "instant solutions" and defeatism to cynical disbelief when the police announced a decline at the end of the year.

Despite this however, in the Black community, people continued to work and devised innovative programs to save the lives of their children.

Between 1969 and 1980 we have had over 500 gang youth at the House of UMOJA. We have struggled to build a home and lend a family for those who need it. No one has ever been shot or stabbed while in residence.

We have based our existance on the following six tenets:

1. The problems which are addressed are not hopeless; they do have solutions; and it is worth time and money to find the solutions.

2. Every individual human life is worth while, regardless of that persons present state of mind and body.

3. The extended family concept of brotherhood among residents and staff s a more direct, human, and possible a more natural solution to the problem than the individual, nuclear family.

4. The best teacher is an example set by an educated colleague of peer, and; as a corillary practice make perfect. UMOJA believes in the brother system of "teach one, teach all" for pressing personal problems, older boys are coupled with younger ones.

5. Isolation from the community for an extended period of time makes re-entry and re-adjustment that much more difficult when the time comes for such arrives. (Hence the problem of recidivism".)

In 1977 the National Urban League conduct a national survey of programs dealing with crime prevention and selected five successful models:

The House of UMOJA, Inc. - Philadelphia

Providence Program, Inc. - St. Louis

Project New Pride - Denver

La Puente - Colorado

Diversion of Youthful Impact Offenders - Balitmore

What the Urban League found that all of these programs have in common is the concept that:

1. Youth must no longer be alienated by those institutions that formerly were supportive such as the school, church and the family.

2. Government institutions are costly and unjustifiable relative to their degree of success, provide negative learning experiences, removes responsibility for delinquency from the community, and stigamtizes those who are incarcerated as though they have difference design goals and motivations.

Conclusion:

I would like to suggest the use of these five action components which are available tools in every community.

The Problem Under Consideration. Juvenile Crime

1. Largest single grouping of victims and offenders in murder cases is the black youth between 15 and 35 years old.

2. The unemployment rate for black youths is 45%

3. 87% of 2,600 people in prison are black.

4. Black males age 18 to 45 are the main subject of deaths from crime, prisons, drugs and suicide.

Action components

1. Development of community council composed of elders, school, church, community and civic leaders , youth, etc., indigenous to kinship area who would meet regularily to work on problems thru interchange of ideas.

2. Development of human resource skills bank composed of network of caring families and professional child care worker to provide support services to youth for their emotional, educational, recreational and economic growth.

3. Development of a information bank which would include identification of all services in area, number of youth in area, economic level of families, political representation, quality of housing, mental health and medical services, crime rate, community problems and needs.

upon the return of the student back to the kinship community for t years and to provide needed legal services.

5. Development of Town Meeting which would meet to discuss community point of view prior to political representatives, school board members, etc., voting on issues of community concern.

Senator SPECTER. We will move now to our second panel of Mr. Charles Lauer, Acting Director, Office of Juvenile Justice and Delinquency Prevention, the U.S. Department of Justice, and Mr. Thomas S. James, director of New Pride of Denver, Colo.

Mr. James, my expert chief counsel has suggested that we begin with you. May we have an identification of everyone who is at the table before we start?

Mr. LAUER. Mr. Chairman, on my immediate right is Douglas Dodge from the Office of Juvenile Justice and Delinquency Prevention. He is the program manager for the violent offender program and for our restitution program.

And Dr. James Howell, on his right, for 4 years was the Director of our National Institute.

Senator SPECTER. Thank you very much. Let us begin with Mr. Thomas A. James, who is the director of New Pride from Denver, Colo., which is a diversion program for multiple, serious, and violent juvenile offenders which has been duplicated, according to the information provided to me, in 10 other locales.

Mr. James, welcome, thank you for coming here. We will be very pleased to hear from you.

STATEMENT OF THOMAS S. JAMES, DIRECTOR, NEW PRIDE, DENVER, COLO.

Mr. JAMES. Thank you for the invitation.

First of all let me say that we have started a program in Denver, started it back in 1972, that was addressed at serious repeat offenders, kids who were clearly caught up in the criminal justice system. There was little or no question that they were seriously involved in the crime problem.

We started a program based on the fact that only a handful of kids were responsible for most of the violent behavior in the city, and that one could target in on that target population.

Senator SPECTER. Only a handful responsible for most of the violent juvenile crime?

Mr. JAMES. Yes. When we reviewed police report data, the one thing that became increasingly clear was the repeat offender was responsible for a great deal of crime in that city, and we wanted to focus in on a target population that was responsible for the vast majority of it.

We wanted to exclude first offenders or those kids who might have acted out, but were not necessarily criminal. Our assumption was that you could do some things with those kids in the community, keep them out of institutions and return them to a productive life.

Now, the way we attempted to do that was through a highly structured program. We took a good look at the individuals we were attempting to work with and determined that they did not present us with one need, but with a multitude of needs.

We designed a program that was multifaceted with a number of treatment components. We added in a diagnostic process to allow us to determine what was the most appropriate treatment for that person. Then we attempted to change some behavior.

Senator SPECTER. How did you approach the diagnostic process? I have made inquiries on that subject and am still wondering what

the best way is to diagnose and try to spot the juvenile offender at that critical point where you can do the most good.

Mr. JAMES. Well, it is twofold. The first part of it was a needs assessment. That is a process that takes place in the community when you are talking to public officials, juvenile court officials, probation officers, teachers, anybody who played a significant role in that child's life, as well as parents, peers, siblings, and the family, to collect information about the person—what his interests are, what are some of the things that he has been involved in.

The diagnostics, we use several levels in testing. What we are trying to do there is to pinpoint academic abilities, special problems that a child might have perceptually; psychological exams if those seem appropriate, anything that will give us a handle on how to best treat that person.

The philosophy was, community programs frequently flew by the seat of their pants. We really had no idea what was wrong with the person. We would attempt to provide services with little or no knowledge.

We have gotten around that through the diagnostic needs assessment process. We are much more focused now on what we are attempting to do with a child.

Now, again one of the underlying questions is this multitude of needs. I think you have heard some of them this morning, lack of employment opportunities, economic conditions, family deterioration; the entire social environment.

One of the things that we assumed and which was proven in the program was the poor self-image that many of these kids had when they came to us. They simply have reached the point of losing hope. The frustration level was so high that in many cases the only viable alternative to them seemed to be a life of crime. What we are trying to do is to reverse that process.

Senator SPECTER. What techniques did you apply on the issue of the broken family?

Mr. JAMES. First of all, we rely heavily on family counseling. We look at the issue of the broken family and 63 percent of the kids that come to us, come from single-parent households.

Senator SPECTER. Sixty-three percent from single-parent households?

Mr. JAMES. Right.

Senator SPECTER. What percentage, if you know, from no-parent houses?

Mr. JAMES. I would say less then 5 percent are kids who could be classified as orphans. We are not suggesting that the single-parent household is the cause of juvenile delinquency, I think there are any number of other factors that are involved in that.

We do believe that one has to do something with the family if the child is to remain in the community.

Senator SPECTER. And what does your family counseling consist of?

Mr. JAMES. Part of it is simply teaching the family how to cope. It is not necessarily designed to try and take a family unit of four or five people and turn them around to meet the needs of that single individual, but it is to ease some of the frustrations that the family might be feeling.

In a lot of cases the delinquents that we are working with have created so many problems for the family that the family is ready to write them off. You end up with a kid who is 15 or 16 years of age who is literally on his own.

I think we can soften that impact by trying to get the family to a point of understanding.

Senator SPECTER. You are talking about family counseling where you bring in the family with the delinquent?

Mr. JAMES. Yes, we do. We go into the home to do most of this. We take a good look.

Senator SPECTER. What do you say, or what do you do to the family grouping? Can you give us a nutshell description as to how you handle it, what the counseling consists of?

Mr. JAMES. There is a pragmatic approach, you assess the needs of that family. In a lot of instances it might not necessarily be solely the behavior of the child who is in trouble that is the problem.

Senator SPECTER. Could you give us an illustration which might tell the story better?

Mr. JAMES. Yes. Going to the home of a single parent, it is usually the mother who is usually receiving some form of public assistance; has absolutely no opportunity to do anything outside of staying home and taking care of the kids, 7 days a week.

What we find is a great deal of frustration and a great deal of bitterness, them looking at other people who have other resources available to them, but they have none. You compound that with a child who has deviant behavior, who is bringing other pressures into the family. You have a situation that becomes intolerable.

To try and sum that up, we walk in and look at a mother who has four or five other children, who has absolutely nothing to do but sit at home all day and try and deal with the problems that those children represent. No employment opportunities, no social opportunities, simply living or existing in that environment.

Senator SPECTER. So, what do you do?

Mr. JAMES. We try and create some opportunities for that family. We will do things like arrange for babysitters to allow that parent to have an opportunity to get out. We will try and arrange for vocational training to provide some skills so that employment becomes a part of that household. We will try any number of things, educational, social. We will try and change the physical environment. If it is a home where conditions are really deteriorated and it appears that a move to another place would be much more suitable and that is possible, we do that.

Senator SPECTER. What resources do you have to change homes?

Mr. JAMES. What we have is, I think, an extensive knowledge of every available resource in the city and county of Denver. We try to work with a number of agencies to supplement those resources that are open to the program. I know people in the Housing Authority, we work very closely with them.

Senator SPECTER. How big a staff do you have, Mr. James?

Mr. JAMES. We have approximately 45 people.

Senator SPECTER. And your ideas have been duplicated in 10 other sites, I am told?

Mr. JAMES. Yes, sir.

Senator SPECTER. Are those 10 other cities?

Mr. JAMES. Ten other cities.

Senator SPECTER. Which cities are there?

Mr. JAMES. Los Angeles, San Francisco, Chicago, Washington, D.C., Camden, N.J., Boston, Pensacola, Fla., Kansas City, and Fresno, Calif.

Senator SPECTER. And why would you say your program has been so successful to be duplicated in so many places?

Mr. JAMES. I think it is successful because it is highly structured. It fits in very well with the criminal justice system. I think the people who have gone through it have benefited from the program. We have not saved every kid who has entered the program, but I think a large percentage who have entered and left that program have gone on to viable employment.

Senator SPECTER. You have not saved every kid, but your percentages are good. How many so-called kids have been in your program, and what is your saving rate?

Mr. JAMES. Right now we served over 1,300 kids in the New Pride program. It was designed as an alternative to institutionalization. When we did a survey of institutions in Colorado we discovered that less than 10 percent had gone on to institutions.

Senator SPECTER. Less than 10 percent of the 1,300 who have entered your program have gotten into trouble again?

Mr. JAMES. No, to institutions.

Senator SPECTER. To institutions.

Mr. JAMES. When we look at the recidivism rate as a measurement, in the last year when I looked at the data that were there, 63 percent had not committed another offense. By another offense we are talking about anything from curfew violations to statutes. When we looked at what we really wanted to concentrate on, which was committing felony offenses, we found that the recidivism reduction was around 84 percent. So, the program has been effective in doing what we wanted to do.

Senator SPECTER. You say 84 percent have not been involved in other felonies?

Mr. JAMES. Yes, serious offenses.

Senator SPECTER. Of these 1,300 whom you have taken in, what range of offenses are they involved in?

Mr. JAMES. We have had kids start with everything from bank robbery to homicide. The program was designed for the serious offender.

Senator SPECTER. And the age span that you work with here?

Mr. JAMES. Age 14 through 17. The cutoff for juveniles in Colorado is 18. Basically, the only kids who are excluded from the program are those kids that we feel do need secure detention, those with obvious psychoses; kids who are clearly a danger to themselves and the community. We feel that we cannot work with that child in an open program, that a secure facility is necessary.

Senator SPECTER. Mr. James, I was very interested in your opening comment about a handful of juvenile offenders committing a great deal of crime because that is the experience that I have observed as well.

I have a sense that if you take a major metropolitan area and identify—not only among juveniles but adult offenders as well—a given number, and if we were to be able to deal effectively with that number we could probably reduce robberies and burglaries, which are the main problem of violent crime. That is not to downplay rape and homicide and arson, but robberies and burglaries are the big area of repeat offenses which terrorize more people. We could probably eliminate two-thirds of the violent crime.

I would be interested if you could specify that handful in terms of numbers.

Mr. JAMES. In Denver, we are talking about less than 200 kids who are involved in the system. We define them as those kids who are chronically involved in the system. These are the kids who on the average the police department knows by name. A typical kid has six or more prior arrests.

Senator SPECTER. 200 in violent crime. And what percentage of the robberies and burglaries would you attribute to those 200?

Mr. JAMES. At one point it was estimated that better than 55 percent were attributed to just that segment of the population.

Senator SPECTER. Have you dealt with most of those 200?

Mr. JAMES. Yes, we have.

Senator SPECTER. Why the other 1,100, then?

Mr. JAMES. The other 1,100 would include those cases that typically come into a juvenile court—you are talking about your first offenders, neglect cases, family disputes; those sorts of things.

Senator SPECTER. What is your judgment as to the conduct after graduation from juvenile status, would you have an opinion or a judgment as to adult crime in Denver as to whether a limited handful of those who had been juvenile offenders graduated at 18 plus, are responsible for a key amount, a large amount of the adult violent crime, robberies and burglaries?

Mr. JAMES. Let me answer the question this way: I do not think there is anything magic about the age of 18, it is simply something that we have set up that is pretty arbitrary, in saying this is a transition phase. Frankly, what we see are people in the age range from about 16 to 25 who are responsible for a great deal of crime. That is the target population that we are trying to impact.

If we are successful on our end with kids that are referred to us, I think we do see an impact on the adult end of it. I think we are successful when we take a young person who comes to us basically unskilled, give that person a viable skill, put him into the labor market, get him into a productive lifestyle. At that point, I think, you see crime stop.

Senator SPECTER. Does your program deal with vocational training?

Mr. JAMES. Very much so, it is at the heart of the program.

Senator SPECTER. How about education, do those who come into your program function at least at a level of being able to read and write?

Mr. JAMES. The typical person entering in New Pride functions at about a fifth-grade level.

Senator SPECTER. What educational facilities do you have open?

Mr. JAMES. We operate two accredited schools for those children. One is a traditional alternative school, the other is a more special-

ized school that deals with kids with learning disabilities or other special problems. Basically, what we are trying to do is to get that person to the point where he can read and write.

You see, it makes a difference as far as I am concerned when a person comes to you and you try to employ him, if he cannot read or write he is not going to last on that job. Consequently, it is necessary to really get into academics and to try and get that person as close to grade level as possible.

We do not want to take those kids out of the educational system. The major feature of the program is reintegration back into the public school system. So, we work very closely with the Denver public schools to reintegrate kids back into school.

Part of our emphasis, though, in both of our school programs is on prevocational training as well as actual job placement. In order to do that, we started our own construction company in Denver that renovates houses within the core city. This gives kids a viable employment opportunity. It also works very well in conjunction with the academic portion because we can take that job experience and literally use that to teach school—like math, some reading, a great deal of spelling.

But at the same time we are taking a person, teaching him literally the work ethic. The kids we get for the most part have never worked before; have unrealistic expectations about what the world of work is all about; do not have any skills or any way to become a productive part of society. We try to change that with the new pride program.

Senator SPECTER. Mr. James, thank you very much, your testimony is very helpful. I wish we had more time to explore further, but it was very good of you to come and to have shared your experiences with us.

[The prepared statement of Thomas A. James follows:]

PREPARED STATEMENT OF THOMAS S. JAMES

During the past seven years, the federal government has made significant gains in its efforts to combat the increasing incidence of juvenile crime. These gains followed passage of the JJDP Act of 1974, and were directly related to initiatives implemented by the Office of Juvenile Justice and Delinquency Prevention. The early initiatives of the OJJDP were focused on compliance with the Act and led to a dramatic reduction in the number of status offenders and non-offenders which are held in juvenile detention and correctional facilities.

Recently, OJJDP has addressed the problem of serious and violent crime through several new initiatives, i.e., Restitution, Replication of Project New Pride, and the Violent Offender Program. These initiatives are attributable to the public's perception that the rates of serious and violent crimes are rapidly increasing. The history of the OJJDP suggests that these initiatives will influence the states' methods of combating serious and violent crime. Historically, the OJJDP has (with a relatively small amount of federal resources) dramatically impacted state and local jurisdictions in the way they treat juvenile offenders. Experimental programs have been tested by OJJDP, and those proven effective have been implemented. These successful programs have saved the states hundreds of thousands of taxpayers' dollars. Youth who were inappropriately detained at great costs are no longer being held in juvenile institutions. Goals and standards have been established, information has been collected, analyzed, and disseminated, and technical assistance has been provided in a variety of forms to the states. Rarely has a federal agency has as great an impact at such a small cost as the OJJDP.

Although the OJJDP has been unquestionably successful, it has only taken the initial steps toward alleviating the national problem

of juvenile delinquency. Clearly, problems associated with controlling the growth of serious and violent juvenile crime requires additional federal assistance. One form that this assistance should take is the extensive involvement of other segments of society in this effort. For example, the private business community has rarely been utilized effectively, although available research indicates that they are an integral part of any effort that truly addresses juvenile crime. The correlation between unemployment and crime has been well documented. It has also been documented that repeat juvenile offenders who are employed in viable jobs do not continue committing crimes. Consequently, it has been assumed that simply the creation of employment opportunities would solve the problem of increasing crime. This has not been the solution because the issue of viable jobs and the involvement of private business has been inadequately addressed. It has become increasingly clear that the provision of viable jobs is a role that cannot be fulfilled by the federal government. It is also clear that private business should not be expected to train and employ unskilled youth with behavior problems if the businesses are to remain profitable. Therefore, the only realistic solution is a joint venture between business and government. Business should only be expected to provide jobs that are needed with a salary level that enables a person to lead an independent life. Business should not be expected to change behavior or correct social environment problems. The task of changing behavior or social conditions is appropriate for those agencies who are best equipped to do so. The federal role should be that of a catalyst; bridging the gap between business and community agencies that address the social, educational, and behavioral needs of youth. Specifically, the federal effort is at its best when it ensures that youth entering the private labor market are prepared for work. It should be noted that most of the federal efforts of the past have been focused on the creation of public (local and state government) sector jobs which, in turn, has accelerated the growth

of large numbers of public employees. In all too many instances there has not been a sufficient need to justify this rate of public employment. This has resulted in many negative consequences, i.e., poor work habits, lack of marketable skills, attendance problems, etc. As reductions are made in governmental agencies, it is apparent that many people employed in the public sector do not have the skills that are necessary to obtain jobs in the private sector. It is also obvious that those youth who were trained for and placed in the private sector are the least affected by cuts in government spending.

New Pride, Inc. (Denver, Colorado) has successfully tested joint ventures between the public and private sector. The program works exclusively with serious repeat offenders and involves them in a highly structured, well-integrated program that addresses social, educational, family, and behavioral problems. All programming is designed to meet the individual needs of its clients, and a key program component is pre-vocational training. Additionally, all youth are given work experience while involved in the treatment phase of the program. The program's employment opportunities are based on labor market demands. For example, New Pride operates its own construction company that specializes in housing renovation. This area was selected because of the strong demand for people with construction-related skills. Because of energy development in Colorado, a shortage of skilled workers is expected to continue for a number of years. Youth completing the program are easily placed in private sector jobs. During the first year of the construction program's operation, thirty-nine of forty youth were place with private contractors.

New Pride has contracted with the Denver Urban Renewal Authority to renovate approximately five hundred (500) houses in the core city. These contracts provide the training vehicle for New Pride clients, and this training directly benefits low income home owners whose houses are renovated.

Program participants who complete the urban renewal portions of the program enter a more advanced phase of the program where houses are purchased by a local Savings and Loan Company for renovation and resale. The second phase has an additional benefit of providing income to New Pride which is returned to the treatment program. Additional contracts are secured from private home owners and businesses, and the profits are returned to New Pride to provide additional stipends or treatment services. All work is performed under the supervision of licensed contractors, and the final phase of the employment program is placement in private sector jobs.

It should be emphasized that prior to placement in private sector jobs, New Pride has effectively addressed the family, social, education, and behavioral needs of its clients, and measurable gains have been achieved. The program uses public funds to meet these needs; the average cost per client is $4,500. This is an appropriate expenditure of funds since New Pride is designed to provide an alternative to institutionalization, and the cost of incarcerating a youth in Colorado is approximately $20,000 per year. This approach is far more cost effective than imprisonment; more humane; a better alternative than probation or parole; and much more productive.

The example cited above featues construction as the training and employment vehicle. However, any number of businesses could be substituted in this concept. The training and employment program described could be tailored to meet the local needs of any area of the country. It is recommended that a National Consortium of Businesses be formed for the purpose of providing employment to youth who have completed a highly structured program. The Consortium should be coordinated from the federal level and matched with community agencies that would be responsible for changing client behavior prior to job placement. The business community could then be assured that the employees they

are hiring are capable of performing the job for which they are employed. The community agency responsible for training would be assured of viable employment for its clients.

The Office of Juvenile Justice and Delinquency Prevention should continue supporting those community programs that offer a core of integrated and comphrehensive services to serious or violent offenders. The program services should include: a) Diagnostic assessment, b) Remedial education, c) Special education for youth with learning disabilities, d) Job preparation and job placement, e) Intensive supervision, f) Volunteer support, g) Follow-up services.

New Pride has provided the services listed above to a target population of serious repeat offenders since 1973. The program has demonstrated success in keeping offenders in the community, reducing recidivism rates, improving academic abilities, employing youth, and reducing their incarceration. New Pride, through extensive and well developed relationships with juvenile justice agencies, has had a significant impact on the Denver juvenile justice system's dispositional response to youth adjudicated for serious offenses. Juvenile justice agencies refer multiple offenders to New Pride with confidence that both youth and community interests are protected. New Pride is an "Examplary Program" that is currently being replicated in ten cities nationally. The replication of New Pride has already created a network of programs that could be expanded into other jurisdictions, especially with the support and involvement of the business community.

Senator SPECTER. I would like to turn now to Mr. Charles Lauer from the Office of Juvenile Justice and Delinquency Prevention, and Mr. Lauer's two colleagues who have accompanied him here.

Mr. LAUER. Mr. Dodge and Dr. Howell.

Senator SPECTER. Welcome, and the floor is yours.

STATEMENT OF CHARLES A. LAUER, ACTING DIRECTOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, U.S. DEPARTMENT OF JUSTICE ACCOMPANIED BY DOUGLAS DODGE, PROGRAM MANAGER, VIOLENT OFFENDERS PROGRAM, JAMES C. HOWELL, NATIONAL ADVISORY COMMITTEE COORDINATION.

Mr. LAUER. Thank you, Mr. Chairman. Our testimony is much longer than it usually has been in the past and considerably more complex. With your permission, I will summarize the six or seven major points and leave time for questions to Mr. Dodge and Mr. Howell.

Senator SPECTER. Please, do.

Mr. LAUER. Pointing out at the beginning that we have defined for purposes of this paper, the "violent offender" separately from the "serious property offender." We use the term "serious offender" to include both. It results from an anomaly in our data. It differs from the definition in the Juvenile Justice Act in section 103(14). We find it easier to work with.

The first eight pages of our statement attempt to summarize the statistics that we have. We put those statistics in this format because we get a variety of questions and they are phrased differently. So there are different ways to phrase the answers.

Most importantly, I think we have shown here that proportionately and numerically the violent crime problem is largely a juvenile or a youthful offender problem—a youthful offender being a person aged 18 to 20.

Senator SPECTER. When you say a majority, what percentage would you attribute to those of 20 and under to violent crime?

Mr. LAUER. To 20 and under, 44 percent. And to the juvenile alone, the proportion of violent crime is 20 percent. That, numerically, equates out to 87,000 violent offenses in terms of arrests only. Forty percent of the serious property crimes would be attributed to juveniles, or 750,000 crimes, over three-quarters of a million per year.

Proportional to juvenile subgroups—in other words, the number of juveniles per 100,000 as opposed to the number of adults per 100,000, and the number of youthful offenders per 100,000, there would be 2,500 arrests of adults; 4,800 of juveniles, and 8,100 of youthful offenders. So, you can see that there are proportionally more and numerically more.

Senator SPECTER. Do you have a professional judgment as to whether a relatively small number of offenders commit a relatively large number of offenses?

Mr. LAUER. Yes, sir, there are at least 4 studies that reflect that 5 to 15 percent—the studies differ—5 to 15 percent of the juveniles are chronic offenders. They would commit anywhere from 65 to 80 percent of the violent offenses.

Senator SPECTER. Would you think that would hold true in the adult offender categories as well?

Mr. LAUER. The career criminal program that LEAA has sponsored is based upon that premise. We believe it holds true there also.

Let me summarize two or three other areas. Some of the other witnesses have already covered these and you have alluded to them. There are no surprises in the characteristics of the violent juvenile offender. The offenders are typically male, very often a minority. They have school problems, they have unstable family situations, economic problems, unemployment problems, and they are very often gang members or youthful group members. That influences the overall rates because the studies also show that numerically and proportionately the violent offenses typically originate in a formal gang context or in a youth group context.

There are no patterns in terms of specialization. A juvenile does not specialize in one kind of violent offense, but there are patterns in terms of seriousness. The juvenile who typically commits serious crimes will commit other serious crimes and the same thing holds true for the juvenile who is involved in less serious activity.

You have alluded to the progression of the juvenile delinquent into the adult criminal. The pattern seems to be that those who commit less serious offenses continue on to commit less serious crimes; the more serious offenders continue to commit more serious crimes. If they started early, they continue longer into adulthood.

There is no firm predictability of future offenders, so there is no way of saying that all of the offenders who have started on a progression will become adult offenders. But of adult offenders most of them, or all of them were in fact juvenile offenders who did progress.

Senator SPECTER. What is your judgment as to the best point or points to try to intercept on this crime cycle?

Mr. LAUER. One program that we funded addresses that question and is based on the premise that 13-, 14-, 15-year-old students, in the 8th, 9th, or 10th grade, is the best point to get at the juvenile potential offender. To keep him or her in school; to address the high dropout rates which approach 45 percent in many large cities and 25 percent nationwide. The dropout rate correlates, of course, with unemployment.

Senator SPECTER. You particularize the drop out from school at that time as a very critical factor on the crime cycle?

Mr. LAUER. Yes, sir. Finally, I think drugs and alcohol and approaches that involve drug and alcohol abuse are other critical factors because the studies again show that in at least 60 percent of the violent crime instances there was drug or alcohol abuse involved before the crime was committed.

Senator SPECTER. And what is your best course to deal with the problem of drop outs?

Mr. LAUER. The one course we are following has not been evaluated yet. It is an alternative education program which is designed to bring the community, local businesses, the family, the teachers, and other groups together at the school level to provide the student with courses and activities that he is more interested in, courses

that he can learn—shop courses, for example, instead of plane geometry—and attempt to keep him in school that way.

We have summarized in the testimony material that we have previously submitted to the Violent Crime Task Force and to you on past programs, including the ones that are represented at this table, the violent offender program, new pride, and restitution. We have submitted that to you in the past and submit it again. If you have questions on those, I would like to turn them over to Mr. Dodge.

Senator SPECTER. Fine. I was about to ask about the restitution program. Would that be an appropriate place to start with you, Mr. Dodge?

Mr. DODGE. Yes, Senator. Thank you very much for the opportunity to be here. I can speak for a few moments about the experience of the office with the juvenile restitution program.

We initiated a major program in this area in 1978 and early 1979, and all 41 projects were funded throughout the country at an initial funding level of about $19.5 million. These projects are in 26 States and encompass 85 different sites.

The experience with it has been generally very good. Although the evaluations themselves are very tentative, there are some very promising results that are tentatively being identified. Before I get into those results I would like to discuss a little bit the level of activity that has occurred under this particular program because I believe it is impressive.

There have been over 18,000 referrals to this program as of February, when the last data came in that was recorded; of those 18,000, 13,700 cases have been closed and restitution paid under this program; monetary restitution has been $1.3 million.

Senator SPECTER. Where do the funds come from to make these restitution payments?

Mr. DODGE. They come from two sources, Senator. One is that the projects help the youths find jobs, and we have also provided, within the structure of the program, for subsidization. The subsidization does involve a large percentage of youths and supports them in their employment. In other words, the youth becomes employed in a public or private, generally not-for-profit, agency, and the youth's wages are subsidized.

Senator SPECTER. These are restitution programs involving juveniles in the 15-, 16-, 17-year-old category?

Mr. DODGE. Yes. The average age is about 15½ years.

Senator SPECTER. And how is the amount of restitution determined, by the judge in the juvenile proceedings?

Mr. DODGE. Ultimately, yes. But the projects do generally what they call a loss assessment. They obtain documentation from the victim and work out a loss assessment which generally becomes a part of a presentence report. In some of the projects, for instance in the District of Columbia, that process actually involves mediation between the victim and the offender, if the victim agrees to do that.

Senator SPECTER. How is the loss assessment determined, property damage, loss of wages, medical expenses, that sort of thing?

Mr. DODGE. It is generally the out-of-pocket costs, market value.

Senator SPECTER. Not pain and suffering?

Mr. DODGE. Pain and suffering is generally not included within that. I should say, it is not included at all.

Senator SPECTER. Does the victim give up the right to sue in a civil court as a result of that proceeding?

Mr. DODGE. No, it does not impact on that at all. What it does do is provide the victim monetary restitution. The average victim receives reparation approximately 88 percent of his losses, two-thirds of which is restitution, the rest is from insurance and return of property.

Senator SPECTER. Out-of-pocket losses?

Mr. DODGE. Yes, out-of-pocket losses.

Senator SPECTER. And what is your evaluation as to the value of that approach by way of a rehabilitative effect, if any, on the offender?

Mr. DODGE. We do not have long-term longitudinal data on recidivism. But we do have some, I think, rather impressive data on in-program reoffense rates.

Senator SPECTER. Now, what is it you do not have, again?

Mr. DODGE. We do not have longitudinal data on recidivism.

Senator SPECTER. What do you mean by "longtitudinal data on recidivism?"

Mr. DODGE. Well, follow-up data which would take the youth out to a year, 18 months, or 2 years after leaving the program.

Senator SPECTER. And what is it you do have?

Mr. DODGE. We have data on the in-program reoffense rate. In other words, while the youth is in the program, during that time frame, which averages about 6 months.

Senator SPECTER. And what is your data there?

Mr. DODGE. That data shows that we have only a 9-percent recontact for a new offense, that is only approximately 1 in 10 youths reoffend while they are in the restitution program.

We do not have any comparison data to show what happens generally on probation for juveniles, but our evaluators called to my attention a recent study that was done in Wayne County's court on young adults. There, they were showing an intensive probation reoffense rate of 36.5, and the regular probation of 35 percent.

Senator SPECTER. How many people are involved in the statistics that you have already given?

Mr. DODGE. So far, 18,000.

Senator SPECTER. And what impact or role do you think the restitution program plays in this deterrent effect? I mean, does it make a difference that young people have to pay for what they have done?

Mr. DODGE. That is hard to judge at this point.

Senator SPECTER. Do you have an opinion?

Mr. DODGE. I think it does.

Senator SPECTER. Why?

Mr. DODGE. Because I think it shows the youth that something is going to be done besides a mere pat on the hand or that, "I am going to have to report to the probation officer once in a while."

Senator SPECTER. How do you evaluate the restitution effect contrasted with either probation or incarceration?

Mr. DODGE. Well, just on the basis of the in-program reoffense rates I would say that restitution is significantly better, even for serious offenders.

Senator SPECTER. Better than incarceration?

Mr. DODGE. Oh, yes.

Senator SPECTER. Why? It hurts more to pay than to be in jail, it is a better lesson?

Mr. DODGE. I think it is a better lesson. It is difficult to compare because we are probably dealing with somewhat different levels of offenders. But even for the serious offenders, the very serious offenders which are included in this program—and there is a significant percentage that are, about 20 percent—the recidivism rate is lower. I believe that the very impact of incarceration and what goes on in those facilities impacts on reoffense rates. The reoffense rates that are reported for youths and young adults coming out of institutions are very high.

Senator SPECTER. Dr. Howell, we would like to turn to you at this point if we may, and ask you for the testimony you would care to contribute.

Mr. HOWELL. Thank you, Mr. Chairman.

In addition to the points that Mr. Lauer has made, I would like to bring your attention to some research results that we have just recently received. Thinking erroneously that someone might be testifying on these research results, we did not include them in our written statement and therefore I would like to briefly call your attention to this research because I think it is terribly important in the context of the issues that you are wrestling with here.

I am referring to a nationwide study that our office has sponsored, focusing on adult court handling of juveniles. It is commonly assumed, as you well know, that youths tried as adults have been charged with serious and personal offenses, and that they are more likely to be incarcerated if they are convicted.

However, what this research revealed is that this assumption does not appear to be correct. The research involved an examination of all four of the basic mechanisms by which juveniles are tried as adults in adult courts. These include judicial waiver; second, concurrent jurisdiction; third, excluded offenses and, fourth, a lower age of jurisdiction for the juvenile court.

Basically, what this research shows is that of the roughly 1 million kids that are handled in adult courts each year, the majority of them wind up in adult courts by virtue of a lower age of juvenile court jurisdiction. This mechanism accounts for about three-fourths of those juveniles who are tried as adults.

The next most popular mechanism is the waiver mechanism which is also most frequently discussed. In 1978, about 9,000 juveniles were waived to adult court. Among these, only 29 percent had committed personal offenses, and about 41 percent had committed property offenses.

Among those who were waived, 90 percent were convicted and about half were incarcerated.

Senator SPECTER. What is the most salient conclusion that you come to from this study?

Mr. HOWELL. It is that those juveniles who are moved into adult courts are not the most serious offenders to start with. That the

incarceration rate is only about 50 percent. The conclusion the research team arrived at was that, contrary to popular belief, juveniles who are handled in adult court are not dealt with more severely than they would be if they were handled in juvenile court.

Senator SPECTER. Thank you very much.

Mr. HOWELL. Thank you, I appreciate the opportunity to be here.

Senator SPECTER. We very much appreciate your being here, gentlemen. Thank you for the testimony; it is very informative.

[The prepared statement of Charles Lauer and the remarks of Mr. Dodge before the House of Representatives follow:]

Prepared Statement of Charles A. Lauer

I appreciate the opportunity, Mr. Chairman, to appear before the Subcommittee on Juvenile Justice of the Senate Committeethis Country. This statement summarizes the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) current understanding of the magnitude of this problem and some of its important dimensions, major issues, OJJDP activities in the area, and possible future directions for the Federal effort in the serious and violent juvenile crime area.

For the purpose of this statement, "violent juvenile crime" is defined to include the following offenses: murder, robbery, forcible rape, and aggravated assault. "Serious property crime" is defined to include burglary, larceny-theft, motor vehicle theft, and, in some instances, arson. I shall use the general term "serious" juvenile crime to encompass both "violent juvenile crime" and "serious property crime". This departure from the statutory definition of serious juvenile crime contained in the Juvenile Justice and Delinquency Prevention (JJDP) Act is made only for convenience purposes because of the manner in which crime statistics are typically reported.

"Juvenile" generally refers to persons under the age of 18; youthful offenders (18-20), and adults (21 and older). Such a precise age distinction cannot be made in certain data areas. Therefore, criminality among "young persons" (aged about 10-25) rather than among juveniles, is discussed in certain instances herein.

Magnitude of the Problem

There are four major sources of regular National statistics on serious and violent juvenile crime: the FBI's Uniform Crime Reports (UCRs) on arrests; the National Crime Survey (NCS) of victimizations against persons, households, and commercial establishments; nationwide self-reported* delinquency surveys; and an annual statistical series on juvenile court handling of juveniles. Data from each of these sources are summarized below.

Arrests. Examination of UCR arrest data from several viewpoints helps illuminate juvenile involvement in serious and violent crime. These viewpoints might be posed as questions.

*This method involves asking juveniles what crimes they have committed.

1) What proportion of all arrests do juveniles account for?

About 23% in 1979. Young persons (aged 18-20) accounted for 17%, and adults (21 and older), 60%.

2) What proportion of all arrests for serious and violent crimes do juveniles account for?

In 1979, juveniles accounted for about 20% of all violent crime arrests, 44% of all serious property crime arrests, and 39% of all serious crime arrests.

Young persons accounted for 17% of all violent crime arrests; 19% , serious property; and 18%, overall serious.

Adults accounted for 63% of all violent crime arrests; 38%, serious property; and 43%, overall serious.

3) What proportions of juvenile arrests are for serious and violent crimes?

In 1979, about 4% of all juvenile arrests were for violent crimes, 35% for serious property crimes, and 39% for serious crimes overall. About 10% of all juvenile arrests for serious crimes were for violence; about 90% for serious property crimes.

These data make it clear that juveniles are disproportionately involved in serious crimes, especially when one considers that in 1979, youths aged 10-17 represented about 14% of the total U.S. population.

Although arson is not considered a violent offense in the UCRs, many experts do view it as such -- particularly when lives are endangered. Inclusion of arson in the violent crime category reveals that juveniles accounted for about one-fourth of all violent crime arrests in 1979.

4) What proportion of each violent crime do juveniles account for?

In 1979, juvenile arrests represented about 9% of all arrests for murder, 16% of all arrests for robbery, and 16% of all arrests for aggravated assault.

These data indicate juvenile involvement in violent crime to be most disproportionate in robbery offenses.

5) What proportion of each serious property crime do juveniles account for?

In 1979, juvenile arrests represented about 49% of all arrests for arson, 49% for auto theft, 49% for burglary, and 40% for larceny.

These arrest data clearly document the disproportionate involvement of juveniles in serious property crimes.

6) What is the proportion of violent juvenile arrests for each such offense?

In 1979, 2% of all violent juvenile arrests were for murder, 5% for rape, 47% for robbery, and 46% for aggravated assault.

These data show that, among violent crime arrests of juveniles, robbery and aggravated assault are most predominant.

7) What is the proportion of serious property juvenile arrests for each such offense?

In 1979, 1% of all serious property juvenile arrests were for arson, 9% for auto theft, 30% for burglary, and 59% for larceny.

These data show that, among serious property arrests of juveniles, burglary and larceny-theft (especially) are most predominant.

8) What is the proportion of total serious juvenile arrests that is for particular serious (violent and serious property) crimes?

It was noted above that about 10% of all serious juvenile arrests were for violent

crimes; 90% for serious property offenses during 1979. The proportion of all serious juvenile arrests for each offense in 1979 was: murder (.2%), rape (1%), robbery (5%), aggravated assault (5%), arson (1%), auto theft (8%), burglary (27%), and larceny (53%).

These data show that, when the total volume of serious juvenile arrests is considered, the property crimes of larceny-theft (especially) and burglary are most predominant.

9) What is the peak age for arrests of juveniles for serious and violent crimes?

For serious property crimes: 16 years of age; for violent crimes: 17-18.

Victimizations. Since 1973 the (now) Bureau of Justice Statistics has sponsored National victimization surveys of individuals (aged 12 and above) and commercial businesses. The survey focuses on illegal behavior in which victims come face-to-face with offenders (rape, personal and commercial robbery, assault, and personal larceny). The Office of Juvenile Justice and Delinquency Prevention has sponsored special analyses of these data in which, for comparative purposes, the criminal involvements of juvenile offenders (under 18 years of age) were compared with those of youthful offenders (18 to 20 years old) and adult offenders (21 or older). These analyses, by Dr. Michael Hindelang and his colleagues, have revealed the following with respect to the relative involvement of juveniles in the above offenses--as perceived by those victimized:

1) During the period 1973-1977, juvenile offenders accounted for 23% of all victimizations (for the above face-to-face offenses).

2) During the period 1973-1977, juveniles accounted for an average of 8.2% of all rapes; 24.2% of all robberies; 17.8% of all aggravated assaults; and 30.4% of all personal larcenies.

3) During the period 1973-1977, juveniles had a higher estimated rate of offending in total personal crimes (per 100,000 persons in each population

subgroup) than adults. The respective rates in 1977 were 4,852 for juveniles and 2,582 for adults. Youthful offenders (aged 18-20) had the highest rate in 1977: 8,116 per 100,000 population.

Hindelang and his associates examined the "seriousness" of those (mostly violent) crimes when committed by juveniles and adults -- as perceived by the victims. They found juvenile crimes to be "demonstrably" less serious, according to the victims, because juveniles are less likely to use weapons, are less successful in completing acts of robbery and larceny (and completed thefts result in smaller financial losses), and they do not injure their victims as severely as do adults.

Self-reported Delinquency. Since 1976, OJJDP, in conjunction with the Center for Studies of Crime and Delinquency, has sponsored nationwide annual surveys of self-reported delinquent behavior and drug use among a nationally representative sample of juveniles aged 12-18. Preliminary results from these surveys challenge conventional wisdom that serious and violent crime is generally rampant among juveniles. Rather, it appears that a small proportion of juveniles are repeatedly engaging in such criminality.

Based on the national sample surveyed, the proportion self-reporting involvement in serious criminality was small: 6% admitted having committed aggravated assault, 4% grand larceny, 6% breaking and entering, 9% assaulting a teacher, 12% carrying a concealed weapon, 14% gang fighting, and 3% strongarm extortion.

These data also show that among boys, those who commit relatively serious crimes do so relatively frequently. Using the average number of offenses committed in each category, the researchers estimated males aged 12 to 18 to commit each year: 3.3 million aggravated assaults; 15 million individual participations in gang fights; 4.4 million strikings of teachers; 2.5 million grand thefts; and 6.1 million breakings and enterings. These figures are many times greater than the number of arrests of juveniles each year for these offenses.

Self-report studies (along with victimization surveys) have made an important contribution to understanding and measuring crime. They have uncovered much of the so-called

"hidden crimes" -- those not reported to the police or other authorities. Only somewhere between 3 and 15% of all delinquent acts result in a police "contact", much less an arrest. Surprisingly, a large amount of serious juvenile crime is not brought to the attention of police. In the follow-up research to the Philadelphia birth cohort study, Wolfgang and his colleagues found that a sample of the original study group admitted (self-reported) having committed from 8 to 11 serious crimes for each time they were arrested. "Chronic recidivists" (those with 5 or more police contacts) self-reported more serious arrests than other official delinquents in the sample.

Self-report studies have also made an important contribution toward understanding differences among cities versus other areas in self-reported delinquency. These local studies have shown higher rates of serious delinquent acts in the larger cities than other areas, suggesting that national self-report surveys may underestimate the magnitude of serious juvenile crime.

Weiss and Sederstrom, based on the numerous self-report study results, observe that there may well be literally millions of serious crimes being committed each year by youths, each with at least one victim. They note several alarming findings:

> First, the reported violent crimes are not importantly different in prevalence and incidence from the property crimes; second, because this is a national survey the estimates are lower than they would be for high crime rate cities or social areas within cities; third, if the usual criteria for "chronic offender" -- for example, five or more arrests -- are applied the typical self-reported serious offender achieves chronicity more than once a year; fourth, compared with studies using official data on violent recidivism, repeated violence is a norm for some rather than a very rare event; and fifth, given that a variety of serious offenses are intercorrelated and those juveniles who commit them often do so more than once a year, they are even more active than an analysis of individual acts would suggest.

Juvenile Court Handling. Shortly after enactment into law of the JJDP Act, OJJDP assumed responsibility for the former HEW Juvenile Court Statistical Reporting System -- an historical series which was begun in the 1930's. It has been improved and expanded, with the assistance of the National Council of Juvenile and Family Court Judges (NCJFCJ), to obtain data fairly representative nationally from juvenile and family courts with respect to their handling of juveniles. These data indicate that, in 1979, nearly 6% of all juveniles referred to such courts were referred for a violent offense, almost 39% for a serious property offense, and 44% for a serious crime. By way of contrast, during the

same year, about 38% were referred for a non-serious offense (Part II, UCR), and 18% for a "status"* offense.

Data derived from these four major sources have been supplemented by the results of special studies on various aspects of the serious and violent juvenile crime problem. Their results are summarized very cogently in a draft report prepared by NIJJDP's Assessment Center on Delinquent Behavior and Prevention at the University of Washington.** It is based on an extensive assessment of the serious and violent juvenile area from the standpoint of prevention. The remainder of this section as well as the following "Major Issues" section draws heavily upon that report.

Characteristics of Serious and Violent Juvenile Offenders. The summary characteristics of these offenders are:

> predominatly male; disproportionately represented among minority youth, more likely to have school problems, including poor academic performance, and interpersonal difficulties and conduct problems; characterized by high residential mobility; typically come from economically disadvantaged origins; experiencing employment problems; more likely from families characterized by higher rates of disorganization and instability, inadequate supervision, conflict and disharmony, and poor parent-child relationships; early starters in delinquency but are usually older than most delinquents, especially those who engage in violence; and are typically involved in group offenses, with gang membership playing an important role.

Weiss and Sederstrom note several striking features of the salient characteristics of serious juvenile delinquents:

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*"Status" offenses consist of those which would not be considered an offense if committed by an adult -- such as running away, beyond control, school truancy, etc.

**Joseph G. Weiss and John Sederstrom, "The Prevention of Serious Delinquency: What to Do?", University of Washington, National Assessment Center on Delinquent Behavior and Its Prevention, June 26, 1981.

1. they do not typically include the abnormal biological or psychological attributes often attributed to these offenders;

2. the role of gangs is more prominent;

3. the characteristics of these youths personify the social areas, neighborhoods, or communities where they live — communities with high crime rates and a plethora of other related problems; and,

4. they are similar to the strongest general correlates of juvenile delinquency, which include demographic variables (sex, race, and age) and the more causal variables (family, peer group, school, employment opportunities, the law, and community dynamics).

Correlates and Causes. As noted above, communities with overall high crime rates and other related social problems, as well as sex, race, and age are correlated with serious delinquency. Also, the strongest causal variables of serious delinquency are family, peer group, school, employment opportunities, and community dynamics.

Among these causal variables, the chain of causation moves from family to school to peer relations (in ascending order). These are the strongest causal variables.

These three variables also show the same rank order of explanatory power when delinquency in general is examined. Only one important difference exists whether one is explaining serious or petty delinquent behavior: youths' attachment to parents and school may be slightly more predictive of involvement in petty than in serious delinquency.

Socioeconomic status does not appear to be a strong correlate of either general or serious delinquency.

For general delinquency (self-reported and officially recorded) the strongest correlates are peer items, sex of the juvenile, and school variables. For self-reported delinquency only, family variables, employment, and age are the next strongest correlates.

The Major Contexts of Serious and Violent Delinquency. It is important to recognize that juvenile delinquents show very little evidence of career, offense, or violent specialization. Juveniles with official records typically have arrests for a variety of offenses. Therefore, it is important to examine the social contexts of serious and violent offenses when considering intervention approaches.

The most prevalent social context of serious and violent juvenile criminality is what Walter Miller has described as "law violating groups." These disruptive and often predatory groups are usually small (5-10 members) and form periodically robbery bands, extortion cliques, and burglary rings. Although they do not typically evidence the formal organization of youth gangs, claim a turf, carry a group identity, such groups are the most devastating when the total volume of serious and violent crime is considered. Miller estimates that these disruptive youth groups involve perhaps up to 20% of eligible boys in cities of over 10,000 population, and their membership consists of less than 10% gang members. He argues that more resources should be allocated to dealing with these law violating groups than gangs because of the pervasiveness of this phenomenon.

Miller also estimates that about 47% of all serious crimes by individuals and groups, and about 71% of all serious crimes by youths are the product of law violating groups.

A second important context of serious and violent juvenile criminality is youth gangs. Although most behavior by gang members is noncriminal, gang members are far more likely than other youth (including members of law violating groups) to engage in violent forms of crime. They also use guns as weapons more frequently. This has made some of the gang violence a greater threat and danger than ever before. These conclusions are drawn by Dr. Walter Miller, who has recently completed the first national survey of youth gangs and other law violating groups for OJJDP, major findings from which follow. These results are preliminary at this point.

Youth gang problems were reported by five of the six "largest" cities (population one million or more), 17 of the 36 metropolitan areas (population one million or more), and 40 of the Nation's 150 "large" cities (population 100,000 or more). The West has replaced the Northeast as the region with the

greatest number of "large" gang problem cities: over one-half of the U.S. total. Fifty percent of the Nation's "large" gang problem cities were found in California alone, which contains 13% of the "large" U.S. cities. Cities and towns with gang problems were located in 11 of California's 17 metropolitan areas.

Gangs are disproportionately concentrated in the largest cities. About one-half of the Nation's gangs, and two-thirds of all gang members, are located in the ten greatest gang problem cities (New York, Chicago, Los Angeles, Philadelphia, Detroit, San Diego, San Antonio, Phoenix, San Francisco, and Boston). Nevertheless, about one-half of the Nation's gangs, and about one-third of its gang members are found in cities with a population of 500,000 or less. Thus the 1970's witnessed a greater probability of finding gangs in cities of smaller size than has traditionally been the case.

There are about 2,200 gangs with 96,000 members located in approximately 300 U.S. cities and towns.

The greater tendency of gang members than other youth to engage in violent forms of crime is illustrated in New York City data. A comparison of arrests among N.Y. gang members with those of non-gang youth in that city showed that gang members were arrested in significantly higher proportions for robbery, rape, assault, and weapons violations. Robbery ranked first as a basis for arrests of gang members, with 30% of their arrests for this offense, compared to 7% for non-gang youth.

Killings play a major role in the criminal activities of juvenile gang members. In 60 of the Nation's 300 gang problem cities alone, approximately 3,400 gang-related homicides were recorded during the period 1967-1980. During 1979, gang killings accounted for 59% of arrests of juveniles for homicide.

Miller concludes that gangs have changed significantly over the past 2 or 3 decades in the following ways: (1) gang problems are more apparent in smaller communities; and (2) they are not confined to traditional inner-city areas or neighborhoods.

A third prevalent context of serious and violent juvenile delinquency is schools. In 1976-77, the National Institute of Education surveyed a Nationally representative sample of over 4,000 public elementary and secondary schools with respect to the incidence of disruptive, criminal and violent activities. The following were among the findings.

1) The risk of violence to teenage youngsters is greater in school than elsewhere. A remarkable 68% of the robberies and 50% of the assaults on youths aged 12-15 occur at school.

2) Around 6,700 schools are seriously affected by crime.

3) An estimated 282,000 students are attacked at school in a typical one-month period (42% of which involve some injury).

4) An estimated 112,000 students have something taken from them by force, weapons, or threats in a typical month.

5) An estimated 5,200 teachers are physically attacked at school in a month's time.

These data clearly show that violent juvenile crime is to a large degree a school context as well as a street problem.

Trends. The overall volume of serious and violent juvenile crime appears to have levelled off beginning about 1975 -- a point in time which roughly correlates with a sharp decrease in the number of "baby boom" youth of juvenile age. Whether one is examining official records (arrests), self-reported delinquency results, or victimization data, decreases in the volume of serious and violent delinquency are apparent. However, this is not to say that the rate of juvenile involvement in serious and violent criminality is decreasing, for it may not be.

Over the past few years, while the volume of adult serious crime arrests has continued to increase, such juvenile arrests have levelled off for the most part. Arrest rates for adults also increased at a greater rate than for juveniles during the 1970's, while the arrest rate for juveniles has remained more than 50% greater than that for adults.

These results of the NCP victimization surveys indicate that rates of being victimized by juveniles for serious crimes, both personal and property have remained relatively stable over the past 10 years while adult rates have increased.

Preliminary analyses of the national self-report survey data have revealed a possible decrease overall in delinquency behavior, and serious delinquency as well, during the late 1970's.

National juvenile court data also show a slight decrease in the total number of juvenile cases handled during the late 1970's. However, the number of serious delinquency cases handled has not.

Despite the apparent decrease in the volume of serious and violent juvenile criminality this remains a serious problem of enormous magnitude in this Country. Even though the bulk of juvenile delinquency is nonserious (60% of all juvenile arrests are for Part II UCR offenses), 40% of juvenile arrests are for serious crimes, in contrast with only 20% for adults. Thus a greater proportion of juvenile than adult crime is serious.

Major Issues

The following is a brief discussion of several selected major issues pertaining to serious and violent juvenile crime.

1. Are there unique patterns of serious and violent juvenile behavior?

   Current discussion and debate about juvenile justice usually assumes that youths tend to "specialize" in delinquent "careers." This tendency is evidenced by popular use of such terms as "status offender," "nonoffender" and "career" criminal.

   Weis and Sederstrom's exhaustive review of the literature, research, and data pertaining to serious and violent juvenile crime led them to conclude that: "In general, contrary to common belief, the evidence suggests that there is not violent offense or offender specialization, but rather versatility of involvement in illegal behavior, and the most useful empirical dis-

tinction is between serious and less serious (or petty) offenders. Both engage in nonviolent and violent acts, but the former do so more frequently and commit more serious and violent crimes, with accompanying more likely official records of their involvements."

Some self-report research has suggested the presence of behavioral specialization; however Weis and his colleagues have not found offender specialization by behavior pattern -- rather, they found greater empirical support for offender specialization by seriousness of involvement.

More recent national self-report data shows evidence of the existence of patterned serious delinquency. Preliminary analysis of multi-year data has revealed that among "serious delinquents"* (which constituted about 8% of the total sample), about one-third of these stayed "serious" the next year. About 14% of these "serious delinquents" failed to report any serious offenses in the subsequent year.

Research using official records also fails to support the notion of behavioral specialization. Such research has found a lack of career, offense, or even violent specialization. Such data (primarily of arrests) primarily reflect frequency and seriousness differences among juveniles' records (and within their own delinquent histories). However, the probability of a record of a violent offense is greater among youths with a large number of official offenses.

Following their extensive research, Weis and Sederstrom draw a general conclusion about the question of existence of unique patterns of serious and violent delinquency:

> In general, the data on delinquent behavior -- both official and self-report measures -- support the emphasis of the 1980 Amendments to the JJDP Act on "serious crime" among juveniles. Juveniles are actively involved in the kinds of serious crimes defined in the Amendments -- primarily UCR index crimes. Juveniles are involved in both serious property and violent crimes, with much more typical involvement in the former than the latter. These types of serious delinquent acts are intercorrelated, meaning that youngsters who are involved in serious

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* Those who admitted having committed at least three serious property or violent offenses in a given year.

crime are involved in a variety of serious crimes, as well as less serious crimes, rather than specializing in single offense types or in property or violent categories. If there is specialization, it is not behavioral but differentiated in terms of frequency and seriousness of offenses. One category of juvenile offenders engages in less serious offenses and the other engages in more serious offenses, and the former does not predict the latter. Rather, those youngsters who commit serious crimes begin their delinquent careers with more serious crimes. The data do not support the popular notion of a unique pattern of juvenile violence, where the offender can be characterized or typified as a "violent offender" on the basis of the variety, frequency, or seriousness of his delinquent behavior. In short, the research supports the Federal emphasis on serious crimes.

2. How chronic are serious and violent are juvenile offenders?

This is an important question because of the tendency of some dealing with the problem (and observers) to talk in terms of "career criminals," "chronic violent" juveniles; thus the question raised is: How chronic are serious and violent juveniles, and what proportion of serious offenders do they represent?

Studies of juvenile offender careers have added much to our understanding of the violent juvenile offender. Such studies have revealed that a very small proportion of juvenile offenders account for a startling percentage of serious and violent crimes.

a) Wolfgang and Sellin's study of 10,000 Philadelphia juveniles revealed that approximately 15% of the total sample was responsible for 80-85% of all serious crimes; chronic offenders (5 or more police contacts), who constituted 6% of the sample, accounted for 51% of all offenses, 60% of all serious personal and property offenses, over two-thirds of all arrests for violent crimes, and 71% of all robberies. Only 7% of the sample were charged with 2 or more injury offenses.

b) Hamparian and her colleagues' study of over 1,000 juveniles born from 1956 to 1960 who have been arrested for at least one personal offense in Columbus, Ohio indicated that 10.6% of the total sample accounted for 37% of all violent offenses (armed robbery, forcible rape, murder, and aggravated assault). About one-third of the cohort were defined as "chronic" offenders (5 or more offenses). They were responsible for about 45% of all violent offenses. Re-

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petitive violent offenders (2 or more arrests), who represented about 16% of the cohort, accounted for only about 10% of the violent arrests. Only 4% of the cohort were arrested three or more times for a violent offense.

c) In the Vera Institute of Justice study, in New York City, of over 500 youth upon whom delinquency petitions had been filed in court, 6.1% committed two or more violent offenses. However, they committed 82.2% of all violent offenses committed by the total sample. Only 3% of the sample were arrested 3 or more times for a violent offense.

d) Shannon studied three (3) groups of juveniles born in Racine, Wisconsin in 1942, 1949, and 1955 (total sample: over 4,000). Approximately 5% of each group was responsible for about 75% of all felony offenses. About 8% to 14% of each group was responsible for all of their group's felonies.

Hamparian and her associates reconstructed some of the tables developed by Wolfgang and his colleagues in an effort to estimate the proportion of the Philadelphia population which consisted of chronic violent offenders. This revealed that chronic offenders accounted for 61% of the violent crime arrests of the entire cohort, and for 70% of the "serious" violent crimes (homicide, rape, robbery, and aggravated assault). The Hamparian group then estimated, based on the Philadelphia data, that, at the most, the subclass of chronic violent offenders is 9.5% of all delinquents and 52.5% of the entire class of chronic offenders.

These studies show that serious and violent juvenile offenders are rather chronic, but that the subclass of chronic violent offenders is extremely small.

3) Does the early delinquent have a long career?

Several longitudinal cohort studies have shown that juveniles who begin their delinquency involvement by engaging in serious crimes tend to continue such criminality.

The Columbus research revealed that, although in the majority of cases an early arrest is not a harbringer of a long succession of crimes (60% of that violent sample ended their careers by age 17), the earlier the delinquent career begins, the longer it lasts -- but not dramatically.

Some recent research has called attention to the possible contribution of the justice system toward maintenance of delinquent careers, through application of formal sanctions. The Columbus study concluded that the development of criminal careers among the juveniles studied was accelerated by incarceration because episodes of incarceration were followed by succeedingly shorter periods between release and next arrest. Similarly, Shannon (in Wisconsin) found an increase in frequency and seriousness of behavior in the periods following those in which sanctions were administered.

4) Do juvenile delinquents progress from bad to worse?
Very little research has been focused on this issue.

Hamparian and her associates concluded, based on their research and literature review, that "support for this notion is at best equivocal. If such a progression can be found, it holds true for an unpredictable minority of cases."

Their research revealed that nearly 30% of their study subjects were arrested only once, another 16%, twice. In 42% of those careers that went beyond two arrests, there was a tendency for violence to appear during the first third of a delinquent career. Some started early and continued their violent careers throughout their adolescence. Among violent repeaters only (those arrested for a second violent offense) over 41% of their second offenses were at about the same level of seriousness as the first one, while 25% were less serious, and 31% more serious. Too few went beyond a second offense to justify a generalization.

Analysis of this slight shift to more serious offenses did not reveal it to be of conclusive statistical significance. The overall conclusion drawn was that "if any tendency can be discerned, we have to conclude that there is a slight probability for violent juveniles to continue at the same

level of seriousness, if they do persist in violence." The researchers then remind the reader that the overwhelming majority of this subset committed only one violent offense.

The Columbus researchers also examined the extent to which status offenders progress to serious criminality. They found that 10% of the entire cohort began their careers with a status offense.

Wolfgang and his colleagues found (in a follow-up study of a sample of the original male birth cohort) that, in general, the mean seriousness scores increased with age -- up to age 30. In the juvenile years, the seriousness scores remained relatively low and stable. In the early adult years (18-21) the seriousness scores increased by about 2.5 times and continued to increase up to age 30.

5) To what extent do juvenile criminals become adult ones?

Dr. Marvin Wolfgang and his colleagues at the University of Pennsylvania have explored the issue of the relationship between juvenile and adult criminality. Their work, reported to date, has consisted of analyses of follow-up data (both official and self-reported) gathered on a sample of the original birth cohort of males they studied. In the follow-up study, arrest records were examined for a portion of the sample up to age 30. Self-reported offense data were obtained up to age 26. The major results from those analyses follow.

a) 41% of the sample had arrest records beyond age 18; 59% did not.

b) Among those who had arrest records beyond age 18 (the 41% group), 35% had a record before age 18, 22% only as juveniles, and 14% before and after age 18. Only 5% had an arrest record only as adults, or after age 18.

c) The overall probability of having an officially recorded arrest record by age 26 was .43. However, this probability was reduced to .12 in the absence of a juvenile record.

d) The overall probability of having an arrest record by age 30 was .47, or nearly 50%.

Wolfgang and his associates conclude that juveniles who commit serious offenses have a higher probability of committing such offenses as adults than do adults who did not engage in such criminality in the juvenile years.

Other research efforts in this area have produced mixed results. Further investigation of this issue is needed.

6. What is the role of drugs in serious and violent juvenile crime?

Tinklenberg and Ochberg conducted a study from 1973 to 1977 of patterns of adolescent violence among a sample of 95 violent California male youth aged 12-21. At the time of the study, these youths were incarcerated in a California Youth Authority facility. All youths included in the study had taken the life of his victim or assaulted his victim with a deadly weapon; and was a direct participant in the violent act, and had inflicted wounds.

Tinklenberg and Ochberg's study of these adolescents revealed that 61% of them had used alcohol, either alone or along with other drugs shortly before committing their assaults. Twenty-nine percent had not used alcohol or other drugs just prior to their offenses; and 9% had used drugs other than alcohol shortly before offending.

Other studies have resulted in findings of relatively high associations between drugs and violent crimes among adolescents. Another study by Tinklenberg of 50 assaultive youths in the CYA in 1971-72 revealed that 41% of that sample had used alcohol, and 23%, other drugs, just prior to their assaults. Molof found that drinking delinquents (again, a CYA population) committed significantly more violent crimes than did abstainers.

Wenk and Emerich's study (1975) of another CYA population (average age: 19) revealed that nearly one-third of the violent habitual offenders had a history of severe alcohol abuse, compared to about 12% of their non-violent counterparts. Only 40.5% of the violent habitual offenders had no alcohol abuse in their backgrounds compared to 63.2% in the non-violent habitual offender group. Nearly 40% of the admission offenses perpetrated by violent habitual offenders were carried out while under the influence of alcohol

(versus about 16% of the non-violent habitual offenders). Wenk and Emerich found that other drugs were less prevalent in conjunction with violent offenses. About 15% of the violent habitual offenders had a history of moderate to severe non-alcoholic drug misuse. Non-violent habitual offenders were about three times as likely to have committed their admission offense while under the influence of such drugs as violent habitual offenders. Among this latter group, opiates were the most frequently used non-alcoholic drug: about 8% had a history of such use.

These studies document the substantial association of alcohol and other drugs in serious and violent youth crime. However, the dynamics of such drug use requires further investigation.

7. Can serious and violent juvenile criminality be accurately predicted?

Predictive instruments applied to delinquency in general have produced unacceptably high rates of false predictions. At this point simple extrapolation is superior to causal prediction methods developed to date.

It was noted earlier that differentiation between characteristics and behavioral patterns of serious and violent juveniles is very difficult. The most useful category is offender specialization by seriousness of involvement in crime; that is, frequency and seriousness of record.

Several large-scale studies of serious juvenile crime support the existence of "frequency specialization" among serious delinquents. The chronicity of a small proportion of serious offenders was documented in the response to the second question above.

Yet reliable scientific prediction of violence by individuals remains an elusive goal in most instances. John Monahan has conducted a thorough review of efforts to predict violent offenses among juveniles. He concluded that, although past violence is the best predictor of future violence (though not a good predictor), our present ability to predict which juveniles will subsequently engage in violent crimes is poor.

Of course, long histories of serious and violent offenses among juveniles serve as an adequate basis for predicting future criminality. Consider

the finding of Wolfgang and his colleagues that the probability that an offender (juvenile or adult), after his fourth offense, will recidivate is about 80%. However, the likelihood that his next offense will be a serious one (and the subsequent 16 offenses), is less than 50%.

A major aspect of the prediction problem is that, among juveniles, the commission of a violent offense is not necessarily followed by another one; rather violent juvenile offenses are almost randomly distributed in the total array of offenses.

Much work remains to be done before juvenile violence and serious criminality can be effectively predicted.

OJJDP Activities

OJJDP has funded programs related to serious/violent crime since its inception in 1975. These (developed and/or funded prior to the 1980 Amendments to the JJDP Act) were initiated under the broad legislative authority originally given OJJDP under the JJDP Act of 1974--which enabled the Office to address "all aspects of juvenile delinquency". In the 1980 Amendments, OJJDP was given more specific authority in the serious and violent juvenile crime area. These Amendments include an explicit finding by the Congress that, "...the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation" (Sec. 101(a)(8)). The State formula grant program adds a sixth area of "advanced technique emphasis", ...programs for juveniles who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation" Sec. 223(a)(10)). States are also authorized to fund "...projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of juvenile gangs and their members" (Sec. 223(a)(10)(J)). Similar authority is provided in the Act's discretionary grant program.

With the problem of serious/violent crime increasing and with more explicit authority in the legislation we are finding that the program has increased its efforts in the area of

serious/violent juvenile crime. These increases should be considered real increases rather than relative increases because the overall budget has remained the same.

A recent analysis conducted by the Office revealed that, during Fiscal Years 1978-1980, OJJDP allocated from its total budget 8% to the violent juvenile crime area and 28% to the serious juvenile crime problem. These proportions are roughly analogous to the relative proportions of juvenile delinquency that are represented by violent and serious juvenile crime.

Among the research projects begun early in the life of OJJDP's National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP), which have or are now paying dividends were longitudinal studies of juvenile careers and prediction of adult criminality (including a follow-up study of the subjects researched in the landmark Philadelphia birth cohort study conducted by Professors Wolfgang and Sellin, and a replication of that study in Philadelphia), the first nationwide assessment of juvenile gang activities, examination of school crime, assessment of rehabilitation techniques for the dangerous juvenile offender, and studies of treatment approaches for the chronic and serious delinquent. More recent research has dealt with the problem of providing secure-care for violent serious offenders, victimizations perpetrated by juveniles nationally, drugs and delinquency, serious sexual abuse and exploitation, collection of nationwide data on juvenile court handling of juveniles, a nationwide assesment of adult court handling of juveniles, review of juvenile code provisions pertaining to such criminality, assessments of States' new legislation regarding juvenile justice system handling of serious and violent juveniles, a national assessment of the structure and functions of parole, and comprehensive assessments of serious and violent criminality among juveniles and related treatment within NIJJDP's National Assessment Centers.

National evaluations, sponsored by NIJJDP, of major action programs developed and supported by OJJDP have also made substantial contributions in the serious/violent area. OJJDP's Special Emphasis discretionary grant programs have used the research and evaluation knowledge to develop, fund, and implement action programs of all types, and particularly in the serious and violent areas. A total of nine major action programs together with national evaluations have been undertaken by OJJDP. Four of these have been completed and are about to be published (Deinstitutionalization of Status Offenders,

Diversion, and Law-Related Education). Evaluation of the School Crime program is near completion. The evaluations of OJJDP's Restitution, Project New Pride Replication, Youth Advocacy, and Alternative Education programs are about a year from completion.

Among these, the programs dealing primarily with serious juvenile offenders are the Project New Pride Replication program (which provides alternatives to incarceration for serious offenders) and the Restitution for Serious Crime program (which deals primarily with serious juvenile criminality).

Additionally, OJJDP has sponsored three major research and development (R&D) programs, one of which is focused entirely on treatment of violent delinquents (the Violent Offender R & D Program), the Delinquency Prevention R & D Program (which is focused on the entire range of delinquency behaviors), and the Learning Disabilities R & D Program (which deals to some extent with serious offenders and has progressed to the stage of providing training institutes based on the results of the research on Learning Disabilities and evaluation of remediation approaches).

Other evaluations sponsored through OJJDP's National Institute dealing exclusively or primarily with serious/violent delinquency are the evaluation of the Law Enforcement Assistance Administration's Family Violence Program, evaluation of the Illinois Unified Delinquency Intervention Services Program for serious chronic delinquents, and a seven-year evaluation of Massachusetts' juvenile corrections reforms (which has been followed-up by an NIJJDP-sponsored study of that State's secure-care approach).

In addition to the above work, OJJDP has sponsored other important activities in the serious/violent juvenile crime area. These include provision of training for juvenile court judges and other court-related personnel (through the National Council of Juvenile and Family Court Judges' National College of Juvenile Justice), sponsorship of a national symposium on the serious juvenile offender, development of standards for juvenile justice system handling of such offenders, responses to thousands of information requests through OJJDP/NIJJDP's Juvenile Justice Clearinghouse, and provision of technical assistance to most States and numerous localities in this area.

The States, through the formula grant program, have put substantial resources into the serious and violent juvenile crime area (approximately $72.6 million for the period FY 1978 - FY 1981).

Although the primary objectives of the Office have been in the areas of deinstitutionalization and separation, a significant amount of program funds and services have been utilized for serious and violent juvenile crime activities. While the Office is legislatively mandated to continue its efforts in the areas of deinstitutionalization, separation and removal of youth from adult jails and lock-ups it can and will continue to utilize substantial previous appropriated resources for serious and violent offender programs, particularly as States are now achieving full compliance with these other mandates.

Promising/Effective Approaches. OJJDP's efforts have resulted in the identification and documentation of a substantial number of promising/effective approaches for prevention, control, and treatment of serious and violent juvenile crime. A partial listing includes:

1) The Project New Pride Model

2) The Unified Delinquency Intervention Services Program

3) Gang Intervention Approaches

4) Intensive Secure-care Combined with Continuous Case Management

5) A Comprehensive Prevention Model

6) School-based Prevention/Reduction Approaches

7) Restitution Models

8) Indigenous Community Approaches to Preventing/Reducing Gang Conflicts

9) Law-related Education

10) Remediation of Learning Disabilities

11) Alternative Education

Mr. Chairman, this brief review of serious juvenile crime documents its importance and the wisdom of the Congress in having made it a priority by adding it as a finding in the 1980 Amendments to the JJDP Act and by mandating that the "juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes."

In response to the Subcommittee's interest in OJJDP's Restitution Program, please find attached the written Statement of Mr. Douglas Dodge, OJJDP, submitted in March of this year to the House Subcommittee on Human Resources, Committee on Education and Labor. It contains detailed information on the program, including its impact to date and recovered services and money for the community and victims.

OJJDP looks forward to working with this Subcommittee in the diligent search for solutions to this serious crime problem.

PREPARED STATEMENT OF DOUGLAS C. DODGE, BRANCH CHIEF, JUVENILE JUSTICE SYSTEM PROGRAM, SPECIAL EMPHASIS DIVISION, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, BEFORE THE SUBCOMMITTEE ON HUMAN RESOURCES, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, MARCH 3, 1981

I appreciate the opportunity, Mr. Chairman, to appear today before the House Education and Labor Subcommittee on Human Resources to discuss efforts by the Office of Juvenile Justice and Delinquency Prevention to promote restitution by juvenile offenders as an alternative to incarceration. It is a particular pleasure to represent the Office before this Subcommittee for the first time since enactment of the Juvenile Justice Amendments of 1980.

As you know, the major share of the annual OJJDP appropriation is allocated to the states according to a population formula for use in assisting each state implement such juvenile programs as the state deems appropriate. Smaller portions of our funds are used for research and evaluation, technical assistance, coordination of Federal activities, and discretionary grants which give special emphasis to innovative prevention and treatment approaches.

In February of 1978, the Office announced a major competitive funding initiative to support projects which utilized restitution by juvenile offenders. Attention to this area was deemed appropriate in light of the emphasis in section 224(a)(3) of the Juvenile Justice and Delinquency Prevention Act on programs which are "effective means of diverting juveniles from the traditional juvenile justice and correctional system, including restitution projects..." The major objectives of this initiative were to hold youth accountable for their offenses, while providing an alternative disposition to incarceration. Accountability for misdeeds would be directly targeted to benefit the victim and the community. Programs would be further cost effective because of the avoidance of the costs associated with incarceration of young offenders. Maintenance of an individual in a residential facility costs the government from $24,000 to $43,000 per year, depending on the locality and the level of security. The cost per participant in a restitution project, on the other hand, is only $1,000, a significant savings. Restitution participants enjoy the additional benefit of a meaningful employment experience which helps in their rehabilitation.

Restitution for this program is conceived of in its broadest sense. It is defined to include payments by an offender in cash to the victim or service

either to the victim or the general community. These payments must be made under jurisdiction of the juvenile or criminal justice process. OJJDP added a new dimension to monetary restitution by providing funds which could be used to support youth in employment. Provision of this employment support, together with the use of community service, are viewed as giving all offenders an equal opportunity to participate, regardless of their ability to pay.

Between September 30, 1978, and March 9, 1979, OJJDP funded 41 juvenile restitutuion projects in 26 states, Puerto Rico and the District of Columbia. Within this group, there were six state-wide agencies or organizations responsible for oversight of program implementation at 50 local sties. 35 other localities were funded directly. Thus, 85 projects were supported under the initiative.

Grants for the program were made for 24 months. The total amount awarded for the two-year period was $19,564,000. Of the initial 41 awards, it is anticipated that 36 will be continued for a third year.

To assist with project implementation, OJJDP awarded a technical assistance contract to the National Office of Social Responsibility (NOSR), of Arlington, Virginia. NOSR has developed several training manuals and conducted a number of small training conferences for project personnel.

Six of the sites are being intensively evaluated by the Institute for Policy Analysis (IPA) of Eugene, Oregon. IPA is also implementing a management information system which provides a base of data on all projects.

Monetary restitution is the most frequently used form of restitution used by the projects, followed by community service and direct service to victims. Two programs, Puerto Rico and Charleston, South Carolina, do not accept any cases involving monetary restitution. Wayne County, Michigan, accepts a monetary restitution referral only if the youth already has a job. Otherwise, they rely on community service placements.

The projects vary significantly in the scope of their activities. The narrowest in scope receive an offender only after a restitution plan and order has been developed. The youth will be placed and restitution payments will be supervised. A few ancillary services are also provided for the victims or offenders. About

one-half of the programs fall into this category. This type of project is more predominant among the state-wide sites where individual projects tend to be smaller and fewer persons are available for delivery of services. The directly-funded local projects are more likely to provide ancillary services to victims.

The projects offer a range of employment opportunities, including job development (locating and reserving slots for project youth) and job assistance (placing individual youths in a job). Subsidized work has the added ingredient of providing funds to support the youth in a job.

Subsidized employment opportunities are offered by 69 percent of the local projects and 62 percent of the state-wide projects. Job assistance is more popular than job development, although the difference is marginal. Only ten percent of the projects offer all three services. Half of the local projects attempt to place the youth in a permanent job, but only one state-wide project with three sites offers this service to participants.

The results which have been reported regarding the operation of the various restitution projects are encouraging. Many of the objectives set for the program are being met. As of November 30, 1980, the following data have been reported:

--The number of youth referred to the projects is 16,000;

--The offenenses which resulted in these referrals involved nearly 17,000 victims and $8.7 million in losses;

--Judges have ordered $2.4 million in monetary payments, 318,000 hours of community service, and 5,100 hours of direct service to victims;

--In 11,612 closed cases, juveniles placed by restitution projects have paid $1,076,200 in monetary restitution, worked 177,935 hours of community service, and performed more than 4,157 hours of direct victim service;

--78.7 percent of the youth referred are successfully completing their original or adjusted restitution orders; this successful completion rate goes to 87 percent if project ineligibles are removed from consideration;

--85.6 percent of the referrals have no subsequent contact with the juvenile court after the offense that resulted in a referral to the project and prior to their case closure.

We are very pleased with these results, and believe it is particularly noteworthy that many young people are finding permanent employment as a result of their placement in jobs by restitution projects.

Besides the projects in this initiative Mr. Chairman, OJJDP funds have been used in a number of other instances to support restitution. Some states have deemed it appropriate to use formula grant funds to implement restitution programs. I have brought with me a listing of OJJDP awards relating to restitution. Several background papers and evaluation documents have been prepared by the Office which may provide the Subcommittee with additional insight into the nature and impact of restitution activities. I am pleased to submit this material for your use.

We hope, Mr. Chairman, that as the results of these pilot projects are disseminated widely, more jurisdictions will utilize their own resources to initiate similar efforts. This is a time when all levels of government must look for ways to limit their expenditures and conserve resources. Restitution is being shown to be a cost effective alternative to old ways of doing business. Given the other benefits -- reduction in recidivism, provision of redress for victims, accountability on the part of offenders, and meaningful employment opportunities for youth -- we believe that these restitution programs are resulting in greater community confidence in the juvenile justice system process.

Thank you, Mr. Chairman. I would now be pleased to respond to any questions.

Presentation of the Wisconsin Juvenile
Restitution Project to the U.S. House
of Representatives Subcommittee on Human Resources

The Wisconsin Juvenile Restitution Project is administered by the Wisconsin Department of Health and Social Services in the Division of Community Services, Bureau for Children, Youth and Families. There are twelve juvenile court jurisdictions participating in the project. The participating jurisdictions are spread across the state and represent urban, suburban, rural and tribal demographic areas. They are Ashland County, Chippewa County, Douglas County, Eau Claire County, Fond du Lac County, the City of Green Bay, Kenosha County, Marathon County, Menominee Tribal Court, Outagamie Youth Services, Racine County and Rock County.

The primary objectives of the project are to 1) hold juvenile offenders accountable for delinquent acts 2) reduce recidivism levels of participating offenders 3) ensure compensation for victims of juvenile offenses 4) improve the image of the juvenile justice system and 5) provide an effective means of treating juvenile offenders within the community.

The project is staffed by one central office manager, one central office administrative assistant and a total of fourteen local program staff for all twelve jurisdictions. The project benefits from a training and technical assistance contract with the University of Wisconsin-Extension Criminal Justice Institute and an evaluation contract with Carkhuff and Associates. In addition the Division of Community Services Juvenile Delinquency Prevention Consultants provide legal and juvenile justice system consultation. Due to the limited staffing resources of the program the local staff have had to rely on the involvement, cooperation and assistance from the participating juvenile court jurisdictions. Without exception such cooperation has been provided.

The statewide project has an annual budget of approximately $450,000 including technical assistance and evaluation costs. The local projects range in cost from $16,000 to $66,000.

Project Highlights

*Restitution Completion:

The Project has worked with 803 juvenile offenders. Of these 484 have already completed restitution. The court ordered amount of financial restitution has recently surpassed $200,000 of which $103,000 has

been paid. In addition 4,907 hours of community service has been provided while 554 hours of victim service has been fulfilled. A recent interim evaluation report illustrated that 85% of the participant youth fulfill their obligation on schedule.

*Seriousness Level of Participants.

OJJDP designed the national restitution initiative to work with serious juvenile offenders in threat of incarceration. The Wisconsin Project has worked with offenders representing the following levels of seriousness.

Victimless	1%
Minor Offenses	1%
Minor Property	3%
Minor Personal	1%
Moderate Property	24%
Serious Property	38%
Very Serious Property	26%
Serious Personal	3%
Very Serious Personal	2%

As is illustrated the majority of offenders fall within the Serious Property to Very Serious Property categories. The average number of prior delinquent offenses is 3.0%.

Reduction In Incarceration Rates:

The State of Wisconsin in involved in a major deinstitutionalization effort. The state has adopted a new children's code which places more restrictions on placement of juvenile offenders in correctional facilities. In addition the state has launched a community based alternative effort entitled Youth and Family Aids that provides counties with the option to develop local programs or purchase state correctional services. The jurisdictions participating in the Restitution Project have reduced their incarceration placements from a total of 242 in the year prior to initiation of the projects to 148 during the first year of the program. In addition the Rock County program has accepted referral of nine juveniles who were petitioned for waiver to adult court and were in definite threat of placement in adult facilities. To date not one of the offenders has been incarcerated in an adult or juvenile correctional facility.

*Status at Case Closure:

Over eighty percent of the youth are living with their family at case closure while 13% have been placed in non-secure settings and only 3% have been committed to secure facilities. The percentage of youth who have committed subsequent offenses during project participation is 7.31%.

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The evaluation illustrates that 37% of the youth maintain their employment after case closure.

System Impact:

The Restitution Project has provided Wisconsin the framework for testing a skills based model for treating juvenile delinquents within their home community. This skills based approach reduces the occurance of subjective assessments, irrelevant and inapplicable dispositions, unnecessary incarceration and long lasting negative labeling. Instead a skill based program provides juvenile court systems with the capability to complete valuable and strength seeking assessments, carry out practical and useful dispositions, maintain and strengthen family situations and initiate positive community labeling and expectations. Seventeen additional counties have decided to initiate juvenile restitution programs under the new Youth and Family Aids programs. In all Wisconsin now has over 30 formal programs.

Cost Effectiveness:

The average county cost per client in the juvenile restitution project is $623. This compares to average annual cost of $22,000 for institutions, $14,900 for group home care and $4,500 for foster care.

Senator SPECTER. We would like to move now to panel No. 3, which consists of Superintendent Richard Brzeczek, chief of police of Chicago; Mr. Robert J. Martin, chief probation officer of Mobile, Ala., and Judge William Gladstone, administrative judge for the family court division, eleventh judicial circuit, Dade County, Fla.

While you gentlemen are taking your seats, we will take a 3-minute break.

[Whereupon a short recess was taken.]

Senator SPECTER. Ladies and gentlemen, we will reconvene now. We will turn first of all to Superintendent Richard J. Brzeczek, the chief of police of Chicago, Ill. We very much appreciate your coming, Chief Brzeczek, and the floor is yours.

STATEMENT OF RICHARD J. BRZECZEK, CHIEF OF POLICE, CHICAGO, ILL.

Mr. BRZECZEK. Thank you, Senator. I do have several other appointments, sir, and if it is not upsetting to the committee, after the question and answer period, could I be excused to catch up with my other appointments?

Senator SPECTER. Sure; of course.

Mr. BRZECZEK. I will also paraphrase the testimony, rather than reading it into the record.

Senator SPECTER. That is fine. Your prepared testimony will be incorporated in the record in full. It is our practice to request that it be summarized to leave maximum time for questions.

Mr. BRZECZEK. Thank you.

Looking at the problem of juvenile justice and juvenile violence, I think that there are several dimensions and several perspectives that need to be addressed, especially from the police standpoint.

As you know, in 1899, Illinois was the precedent-setting jurisdiction that established the first Juvenile Court Act, and I would have to say with a degree of certainty that virtually every other jurisdiction followed subsequently to Illinois' enactment of that Juvenile Court Act.

Historically, it was designed to remove juvenile offenders from the adult criminal justice system and treat them in a way that was basically designed toward rehabilitation and reintegration into the community. We saw that system basically exist from its initial stages from 1899 until about 1966–67, when the Supreme Court case of *Gault* mandated certain constitutional protections for juveniles when being confronted as respondents in a juvenile court proceeding.

In essence, I think in laymen's terms it basically extended many of the due process protections that criminal defendants experienced in an adult criminal proceeding to a juvenile court proceeding.

Now, it is very difficult to argue against the extension of constitutional protection to juvenile defendants, but I think that we really have to examine whether or not we want to treat every juvenile that commits an act that is prohibited by either the common law or by statutory regulation, as a criminal defendant. I think that there is a need, again, to look at the pre-*Gault* and the post-*Gault* situation.

Senator SPECTER. Are you suggesting reexamining the *Gault* decision?

Mr. BRZECZEK. I think the first thing we have to do before we get to the examination of *Gault* is to examine the pre-*Gault* and post-*Gault* situations as to what the plight of juvenile or youthful offenders was before *Gault*, and what it has been transformed into now. I think that may give us a better perspective as to what we should think about in terms of *Gault*.

I am not saying that *Gault* is bad, I am just saying that I think that *Gault* has really created a new distinction, not an adult criminal justice system and a juvenile justice system, but I think it has changed the latter into a juvenile criminal justice system, and there is virtually, other than in penalty, very little distinction in the treatment of offenders, regardless of age.

Many jurisdictions, our own included, have provisions whereby juveniles, as you heard in previous testimony, can be waived from the juvenile system into the adult system and be treated as adults.

So, we see that as one problem because we felt that in our own experience the pre-*Gault* situation provided at least the juvenile police officer with a series of alternatives of diversion. Statistically, at least in Chicago, we found less recidivism among those who were diverted out of the system than those who were put into the system.

Now, granted those going into the system pre-*Gault* were going in for serious crimes and crimes that maybe at that time were rare occurrences among youthful offenders, but I think one dimension that has to be looked at is the pre- and post-*Gault* situation and exactly what *Gault* has done to the entire system.

Second, to be more specific in terms of violence, our two biggest problems in the city that we have right now are gangs and narcotics, and both are closely alined—both in terms of intensity and numbers—to the youthful population.

Back in the 1960's, before gangs became known as we know them now, they were basically a handful of youngsters occupying some piece of sidewalk or a street corner in front of a drugstore or confectionery store and annoying and antagonizing passers-by. Their criminality was limited to maybe stealing hubcaps, an occasional stolen car for a joyride, or a bicycle.

What has happened during the mid to late 1960's—and I think the phenomenon in our city is not unlike that of any other city—they graduated into more serious activities.

As we in law enforcement dealt with these more serious activities and put many of the gang members in the penitentiary, what we have found in retrospect now, that going into the penitentiary they really end up in the "graduate school of criminality" and come back with a more hardened approach to deal with.

Now we have people who are in their late twenties and early thirties who are really representative of the leadership of these gangs, and we have youngsters looking up to these kinds of role models and heroes, engaging in more serious criminal activity and of course much violence.

I think our situation with the one housing project that was focused upon internationally, let alone nationally, portrayed an isolated situation of gang violence.

Narcotics likewise, I think as recently as 15 to 20 years ago, may have been isolated among a few people in areas that were best described as deprived or low socioeconomic areas.

Now we find narcotics usage, involvement and trafficking, transcending all socioeconomic neighborhoods, and of course out in the surburban areas where there is a slightly greater degree of average affluence, taking hold not only at the young adult level, but going down into the grammar school level.

So, we see that the problems of narcotics really have gotten into all aspects of the community itself, and children in fifth, sixth, seventh grade are not only using some forms of narcotics in some cases, but are also trafficking in them.

We feel that the domestic policy toward narcotics has to be strengthened and we feel that because the resource areas for narcotics are really foreign countries, that there is a need for some foreign policy on narcotics, foreign policy in relation to those countries that are really the resource countries for the contraband itself.

One last thing in terms of a phenomenon contributing to the entire situation. I was recently a guest of the Japanese and Taiwanese Governments in May and spent 2 weeks in both of those countries.

What they are really demonstrating to us, in terms of at least an individual demonstration to me during that visit, is that their youngsters are getting more and more involved in the types of acts that we seem to be somewhat accustomed to have our children involved in—in other words, the vandalism, the burglaries, the thefts, and some of the violence directed toward each other.

In fact, in Kaischong, Taiwan, I saw a somewhat unusual looking building. I asked the police commissioner what it was, and he said it was a juvenile prison that did not even exist 10 years ago.

I asked him if they were able to identify some of the reasons, at least in their opinion, as to what was this increase or transition from a basic citizenship and law-abiding posture to one of criminality. Uniformly, in all those jurisdictions that I visited in both of those countries, they identified the influence of Western commercial television upon the youngsters as being the causative factor.

I think it is almost worn-out rhetoric in this country, the discussions that we have had here about the amount of violence that is portrayed commercially over television and sometimes in the theaters that has somewhat of an effect on these activities.

Senator SPECTER. What is your recommendation on that problem, if you have one, Chief?

Mr. BRZECZEK. Well, I think a simple recommendation, Senator, is difficult to deal with because we have some very serious first amendment considerations.

Senator SPECTER. How does the first amendment apply in Taiwan?

Mr. BRZECZEK. They really do not have one as such, when you come down to it.

Senator SPECTER. So, what is their answer, if they expressed one to you? What would your recommendation be for Taiwan? Let me put it that way.

Mr. BRZECZEK. The recommendation would be not to pipe those television programs into Taiwan, I think that is simple. It is a technological answer.

But I think that it is more than a technological answer here, there are constitutional and legal considerations that we have to think about.

But these are some of the considerations that we, being somewhat reflective of a large metropolitan area, are seeing in terms of the problems that are developing every day, and we see them translating into more serious problems in the future as the youngsters get older. The system's ability to divert them from the wayward activity now back into useful activity seems to be floundering more and more, if for no other reason than the overall number of kids getting involved.

Yet, we still do not throw up our hands in frustration and say there is nothing we can do about it. We have the traditional recreational programs that are police-sponsored. I am not really sure why the police even got involved in them to begin with, but I think the police throughout the country do a good job in this area. There are other types of citizenship-oriented programs like the Explorer Scouts, which is a national program that most police departments are involved in.

Then we also have some other enforcement-oriented programs, for example, we have a very active antitruancy program where the police are picking kids up off the street during school hours and returning them to school, hopefully with follow-ups by the school absentee officers in the schools.

We also have a very vigorous curfew enforcement program in the city for youngsters under the age of 16 to get them off the streets after 10:30 at night.

Senator SPECTER. Going back for just a moment to the issue of the movies which were piped into Taiwan where you had expressed the concern of the Taiwanese about that as an influential factor.

Do you notice any worsening of the problem of television or movies on role models for juvenile crime during your span in law enforcement which, I see, started in 1964?

Mr. BRZECZEK. That is correct, I do see that. I do see a completely different role model being portrayed for the young viewer.

Senator SPECTER. Has there been any effort made by anyone in law enforcement or otherwise in the exercise of first amendment freedoms to give an opinion to the movie or television makers about the impact of their product?

Mr. BRZECZEK. It is my understanding that the International Association of Chiefs of Police, which is the organization representing chiefs primarily throughout the United States, but of course in foreign countries too, that they have taken positions in the past, have passed resolutions at their annual conference making this known, that the type of entertainment being portrayed on commercial television does have in some cases a deleterious effect upon the youthful viewer.

Senator SPECTER. Beyond the unilateral resolution, has there been any dialog between the Chiefs of Police Association and any representatives of the news media?

Mr. BRZECZEK. The only ones I may be aware of would be local ones. We have done this with some of our local stations—not in terms of commercial media, but for example, we have asked the news segments of the stations to refrain from broadcasting names of gangs when they are involved.

Senator SPECTER. With what effect?

Mr. BRZECZEK. Total cooperation.

Senator SPECTER. Total cooperation?

Mr. BRZECZEK. Yes; we have had excellent cooperation and a successful posture with the four television stations and many radio stations.

Senator SPECTER. Chief Brzeczek, back to the pre- and post-Gault issue as a final question to you, sir.

What is your ultimate judgment on whether the Gault decision has been beneficial or detrimental for the administration of juvenile justice?

Mr. BRZECZEK. I think if I have to answer in one word, I would have to say it has been detrimental in terms of the bottom line, and that is to make sure that a person going into the system does not come back the second time. I think what we are really trying to do is eliminate recidivism.

It just seems that with the overemphasis that Gault requires on the individual rights of the juvenile respondent—and I use that

word because in juvenile court proceedings he is not necessarily a defendant—for the juvenile respondent I think there should be some relaxation, especially in light of the fact he is not going to be incarcerated against his will, but when the appropriate disposition of that matter would be some type of community-related, community-based rehabilitation program.

It seems to me that Gault should not be used to obstruct that proceeding.

Senator SPECTER. When you said that there were more diversionary avenues available to the police officer pre-Gault than now, to what were you referring?

Mr. BRZECZEK. Well, in Chicago we had organized several hundred community organizations, churches, school-based groups, professional counseling services that when a juvenile was taken into custody by a police officer, the law in Illinois requires that he is turned over to a juvenile officer immediately. The juvenile officer then makes probably a quasi-judicial decision, or maybe a prejudicial decision as to what would be the disposition of that juvenile offender.

About two-thirds of the time the disposition would be a referral to what we call one of these community agencies. About one-third of the time he would be put into the system.

We found that the first offenders of that two-thirds group, a substantial majority of the first offenders in that two-thirds group, we never saw again.

Senator SPECTER. Thank you very much, we really appreciate your coming from Chicago to give us your views, Chief Brzeczek. I know you have other pressing business, and you may proceed with that.

Mr. BRZECZEK. Thank you very much, Senator.

Senator SPECTER. I now turn to Mr. Robert J. Martin, chief probation officer of the Mobile County Youth Center, Mobile, Ala.

Chief Martin, we very much appreciate your coming such a long distance to join us here today. We welcome you and are pleased to hear your testimony.

[The prepared statement of Richard J. Brzeczek follows:]

PREPARED STATEMENT OF RICHARD J. BRZECZEK

On behalf of the Mayor of the City of Chicago, the men and women of the Chicago Police Department, and the over three million residents of the City, I would like to take this opportunity to thank the members of the Subcommittee for the opportunity to appear here this morning and participate in the proceedings dealing with this most important subject.

The State of Illinois demonstrated unprecedented action in 1899 when it promulgated the first Juvenile Court Act in the United States. As you know, virtually every other jurisdiction followed Illinois' example. Historically, the rationale for the Juvenile Court Act was to remove youthful offenders from the adult criminal justice system. A court-supervised process was designed whereby the consequences suffered by a juvenile offender for the commission of a crime were basically social treatment and rehabilitation. These programs were designed to determine the underlying causative factors for the child's criminal, anti-social or delinquent behavior. Such factors included broken homes, poverty, emotional instability, truancy and parental neglect. Punishment was rarely found in the juvenile justice vocabulary. This entire concept of treatment and rehabilitation persisted for over half a century, until 1966, when the United States Supreme Court decided the case In re Gault, 387 U.S. 1, 87 S.Ct. 1428 (1966).

Gault, despite its recommendation of the extension of certain due process rights to juveniles in juvenile proceedings, and despite the underlying wisdom of that decision,

signalled the demise of that system as it was historically constituted. Even the State of Illinois, in the case In re Urbasek, 232 N.E.2d. 716 (1967) continued the transformation of the juvenile justice system when it changed the burden of proof in delinquency proceedings from the civil standard of preponderance of evidence to the adult criminal standard of proof beyond a reasonable doubt. In re Winship, 397 U.S. 358, 90 S.Ct. 1068 (1970) is another example of the movement toward making the juvenile justice system a juvenile criminal justice system.

I find it very difficult to argue that juveniles should enjoy less Constitutional protections, less individual and civil rights than their adult counterparts. I do feel, however, that a rational legal and Constitutional distinction can be made when a juvenile is to be treated the same as an adult criminal offender, or when a juvenile, despite what he or she may have done, demonstrates even a little hope that with the proper diagnosis, treatment and guidance, he or she could be redirected into making himself or herself a useful citizen upon whom our society can rely and take pride.

Unfortunately, many of the court decisions which have been rendered and statutes passed in the past 15 years have tended to remove the fundamental distinction between the adult and juvenile systems. The development of a body of law concerning the protection of the individual rights of juvenile offenders has removed almost all concern for the rehabilitation of the youngster and his subsequent reintegration into the family, school environment and community.

In the past two decades, we have experienced an escalating lawlessness and an increased violence which

transcends all socio-economic, racial and ethnic groups without regard to age or sex. The participation of youngsters in criminal activity has grown to such a degree during this period of time, it almost seems the good things done by young people are the exception rather than the rule. While we know that the majority of youngsters are law-abiding and respectful of the rights of others, the number of youthful offenders rises every year. Not only have the numbers become greater, but the sophistication, the degree of involvement and the seriousness of the offenses themselves have likewise increased. A short decade ago, we saw youthful offenders stealing hubcaps, bicycles and an occasional car. Today, their typical crimes are burglary and armed robbery. Not too long ago, the inhalation of solvents, commonly known as "glue-sniffing", was a new phenomenon that was shocking the country. Today, we see youngsters trafficking in narcotics, with cocaine and heroin being their principal commodities.

The contagion of violence that has infected this country in the past decade did not confine itself as an affection for adult criminals. In 1980, more than 20,000 persons under the age of 17 were arrested in Chicago for serious crimes. Those included 50 murders, 118 rapes, 1,124 serious assaults and 2,383 robberies. Looking at comparative periods in recent years, rapes committed by juveniles increased by 1/3 and robberies by 40%. The young ladies of our community demonstrate that they have not been left out either, as the number of female juveniles involved in the commission of murder has doubled in the past three years. The easy availability of dangerous instrumentalities, such as guns and knives, helps account for the fact

that the Chicago Police Department seized 1,041 deadly weapons from juvenile offenders last year.

The most serious problems that I have to confront as Superintendent of Police in the City of Chicago are youth gangs and narcotics trafficking, and I am sure that any one of my peers, even those from somewhat small and medium-sized jurisdictions would identify those two situations as being priority public nemeses.

Less than 20 years ago, narcotic addition as a generic consideration was confined to certain lower socio-economic areas. Now however, that formerly manageable social tumor has become a neoplasm of seemingly irreversible proportions. Again, it has not confined itself to the adult or young adult population, since we are seeing more and more habituation and addiction at the grammar school level. Not only does it demonstrate a bleak future for those youthful participants, but it also presents a current problem. Juveniles are stealing, committing robberies and burglaries, and indeed, utilizing any avenue of criminality necessary to support their involvement. Unless we take drastic action to deal with the use and abuse of narcotics and dangerous drugs, the legacy that we will leave to the future of this country will be a disgrace.

The problem of youth gangs is indigenous to every metropolitan area of this country. They can no longer be regarded as a bunch of tough or wayward kids occupying a sidewalk in front of a confectionary or drugstore, irritating and annoying passersby. In cities such as Chicago, they are well-organized, well-disciplined and have, from the older members, the benefit of a graduate school education in the penitentiary. They engage in such illegal

enterprises as narcotics trafficking, gambling operations, prostitution, theft, burglary, robbery, extortion, racketeering, arson and murder. Gangs do not discriminate as to who will be their prey. They maintain a high degree of discipline within their organization, punishable most often by death. You realize by now that what I am describing has been described hundreds of thousands of times in the past 50 years in the various treatises, Congressional hearings and evidence adduced at trials, about the La Cosa Nostra, the Mafia or Organized Crime, depending on which label you prefer. Organized Crime has been quite pernicious in attacking the various legitimate structures in our country. It has become more sophisticated in recent years than it may have been during the bootlegging days of the Prohibition era, but I believe that Organized Crime is no match, either in numbers or in viciousness, with what we see among the street gangs in major metropolitan areas.

The street gang has a better hierarchy of membership development than one would find in legitimate business, the military or even the farm system of organized baseball before expansion. Various levels within the gang are generally defined by age groups, with the younger members looking up to the hardened, prison-educated members, and at all times willing to be subservient to the illegal and even deadly commands of their heroes.

There is no easy answer to these problems which have been permitted to fester for an extended period of time. They are clinical manifestations of other social phenomena that have been occurring in our society and which have, heretofore, been ignored. Relaxed moral standards brought about by changes in individual attitudes and supported by judicial fiat, fragmentation of the family, and the disci-

plinary disintegration of the traditional institutions such as the school and the church, all contribute to the problems that I have previously described.

Lastly, we have suffered through much rhetoric about the role of commercial television and its effect upon our lives, the formulation of our values and the development of our youngsters. Even without any official poll, it is easy to identify the change in focus of commercial television toward the glamorizing of alcoholism, narcotics consumption, promiscuity and violence. This was especially impressed upon me during my recent trip to the Orient, when my peers in Japan and the Republic of China stressed that the factor most responsible for the increase in criminality among the young Japanese and Chinese is the influence brought upon them by Western commercial television.

Crime in the United States is a national disgrace. It also undermines our image and reputation abroad. We cannot afford to ignore it. It appears that the entire system needs a total and qualitative evaluation. Ad hoc solutions to these persistent problems get some publicity in connection with the res jeste of the crisis, but end up several days later keeping refuse tightly wrapped.

It is important that we develop a substantive approach whereby responsibility is fixed, not only on the people who have to administer the juvenile justice system, but also on the youngsters who enter the system and on their parents, who perhaps should have taken the steps necessary to keep their children out of the system altogether.

STATEMENT OF ROBERT J. MARTIN, CHIEF PROBATION OFFICER, MOBILE COUNTY YOUTH CENTER, MOBILE, ALA.

TOO AGGRESSIVE FOR JUVENILE SYSTEM

Mr. MARTIN. Thank you, Senator. If I may, I would just like to paraphrase my statement for the committee.

The violent juvenile offender constitutes a physical danger to both staff and other juveniles because detention facilities are not designed to deal with the aggressive offender. They neither provide proper security, nor are they constructed to contain a violent offender.

On numerous occasions in recent years juveniles have either escaped or nearly effected an escape by smashing through walls or breaking locks designed for younger, smaller, less aggressive youths.

Even in the case of younger violent juvenile offenders, the present system is inadequate since there is no provision for segregating them or programs to deal with them. The results are that all youths are subjected to negative influences, physical danger, and the community is not provided appropriate protection, since violent offenders are not placed in long-term rehabilitation programs but released back onto the streets following a few months' stay in a traditional, short-term juvenile facility.

Alabama law provides for transferring more serious juvenile offenders to the adult court system. However, because of the complexity of the proceedings which must take place before a juvenile can be transferred into the adult system, violent offenders wind up spending significant amounts of time in juvenile facilities, occupying bed space and staff time which could more profitably be used in working with less aggressive delinquents.

Senator SPECTER. What are those complexities, Chief Martin?

Mr. MARTIN. Excuse me?

Senator SPECTER. What are those complexities on transfer from juvenile to adult, does it take more than a hearing before a juvenile court?

NO FACILITIES FOR VIOLENT DELINQUENTS

Mr. MARTIN. Yes, sir. Basically, a prima facie case has to be made that the juvenile has committed what would be a felony in Alabama. Most attorneys will ask for, and judges, wanting to bend over backwards before they make that serious decision, will grant motions requesting psychological evaluations, home studies, that sort of thing. It simply takes a lot of time to try a case.

With all the cases coming into the juvenile court now-of-days there simply is not enough time to have all the trials that we need because when a kid is going to be transferred, that is the most serious thing that can happen to him. As a result, his attorney is going to fight it. He is going to force you to trial every time.

Senator SPECTER. Do you think more juveniles should be tried as adults?

Mr. MARTIN. Yes, sir; and at the same time, no, sir. Yes, sir, there are a lot of kids who need to be transferred out of the

juvenile system, a lot of them. A lot of them we do not have time to deal with.

Senator SPECTER. What is the age in Alabama, 18?

Mr. MARTIN. Eighteen is the present age. If I could just elaborate on the last answer.

The problem is, when a child is transferred into the adult system he is the youngest offender; he is physically small and there is a tendency to give him a lighter sentence than if he had been an older person with the same offense. We see it all the time. Kids that we have completely failed with and feel they are completely hopeless and need to be removed from the community, receive a very light sentence and they are right back on the street in a short period of time, for lack of anything between the adult system and the juvenile system.

Senator SPECTER. Proceed with your testimony, please, Mr. Martin. We have your statement, and in accordance with our practice it will be made a part of the record in full. So, it would probably be most helpful if you would summarize, leaving the maximum amount of time for questions.

VIOLENT DELINQUENTS CAUSING OVERCROWDING

Mr. MARTIN. Sure.

I think that the most unfortunate part about the overcrowding that our juvenile system is currently experiencing is the fact that the community is beginning to lose faith and confidence in the juvenile justice system. With younger, less violent offenders, I think that we are very often successful in salvaging them.

Because of the overcrowding, those kids are not getting the time and the attention that they need, and that is contributing to the problem. Basically, the community is saying, "Hey, look there are a lot of violent, older, aggressive kids out here. They are going to juvenile court, and they are not getting any better."

I have a fear, that the public is going to say at some point, "We no longer need a juvenile justice system."

Senator SPECTER. If you had your choice on restructuring the way we deal with juveniles, how would you do it? Would you make a classification of a younger age, make a classification according to the seriousness of offense?

NEED FOR YOUTHFUL OFFENDER SYSTEM BETWEEN JUVENILE AND ADULT

Mr. MARTIN. I would make the classification as far as misdemeanors are concerned, I would allow those cases to be heard up through the 18th year. Felonies at age 16, I would move into—and that is the restructuring I would like to see happen—I would like there to be a genuine and real youthful offender part of the criminal justice system; a part of it that does not deal with adults and part of it that does not deal with kids. But a part of it that deals with that 16- to 25-year-old offender that judges are reluctant to put into prisons; who commit most of the offenses and in some case if they are given job training and some education, can be salvaged. They do not fit into the juvenile system.

Senator SPECTER. You say judges are reluctant to put those offenders into prison?

Mr. MARTIN. That is my experience.

Senator SPECTER. More reluctant than other violent offenders?

Mr. MARTIN. The problem is that our county jail and our prisons are already full, and the judges are turning loose adult violent offenders for lack of space. When a kid comes in who is 16, or 18, or 19, they are looking for reasons to plea bargain the case and come up with some alternative. The alternative unfortunately does not involve secure incarceration. So, he goes out and does the same thing again.

Senator SPECTER. What attention is being given in Alabama, if any, to increasing detention facilities or prison facilities?

Mr. MARTIN. At the present moment, both systems of course are overcrowded. The Governor has proposed and the legislature—thanks to some revenues from some oil moneys—is about to build a massive new adult prison facility. The juvenile justice system is in an absoltely deplorable state, and the juvenile justice system's budget is being cut.

Senator SPECTER. Do you know, or at least can you approximate, how many the Alabama prison system can handle?

Mr. MARTIN. No, sir, I do not know how many the adult prison system can handle.

Senator SPECTER. Do you think it would be of assistance to the State of Alabama if there were arrangements made where some of the Federal institutions might take, say, those sentenced to life imprisonment?

Mr. MARTIN. Yes, sir, that would considerably improve things. It would remove the ones that we are not going to bother to work with any more.

Senator SPECTER. What is your judgment generally as to the length of sentences which are imposed on adult criminal repeaters or juvenile repeaters by the judges in Alabama?

Mr. MARTIN. It is not so much the judges in Alabama, State law mandates that a judge cannot commit a juvenile to a facility for more than 2 years in Alabama. Because of the overcrowding, judges generally will commit a child to a juvenile facility and leave it up to the staff to determine when he can be released.

Senator SPECTER. What is the situation with the sentencing of adults as you have found it in Alabama?

Mr. MARTIN. I do not know that much about the adult system, as far as sentencing is concerned.

Senator SPECTER. We very much appreciate your testimony here today, Chief Martin. Thank you very, very much.

[The prepared statement of Robert J. Martin follows:]

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June 24, 1981

Honorable Arlen Specter
Senate Subcommittee on Juvenile Justice
Russell Senate Office Building
Washington, D. C. 20510

ATTENTION: Miss Miriam Mills

Dear Senator:

At the request of Miss Mills, I am writing concerning information and issues which I might present to the Subcommittee on Juvenile Justice concerning violent juvenile offenders.

As a way of introducing the committee to the violent juvenile offender, I am including a transcript of a letter written by a violent juvenile offender to his brother. The last names of the individuals have been deleted from the transcript to protect the individuals involved. However, the letter is authentic, and an investiabation into the events described in the letter has revealed that most events occurred exactly as described.

I believe that, after reading the letter, you will get a better feel for the mentality of this kind of youth.

The writer of the letter, Tracy, is a 16-year old white male, in good health, with an IQ in the Average Range of intelligence. Psychologically, he is described as being manipulative, hostile, impulsive, and having very little self-esteem which he covers with an aggressive personality style. Although he has only completed eight full years of schooling, he reads at the 10.1 grade level and does arithmethc at the 6.5 grade level.

Tracy's parents are divorced and reported to be immature and poorly adjusted. At the time the letter was written, the 16-year old mother had separated from her third hustand, a 19-year old male. The natural father has a police record and a history of violent outbursts. He once became so volatile during a juvenile court hearing th police intervention was required in the courtroom. Tracy once attacked one of his stepfathers and choked the man until he bled from the nose.

Tracy's offense pattern in juvenile court began shortly after his parents divorce when he was 12 years old. He was expelled from school for disruptive behavior, referred to juvenile court by his mother for being out of her control, and was finally charged with molesting an eight year old stepsister. Following this offense, he spent nine months in an adolescent adjustment center for mildly disturbed adolescents.

Subsequent to his release from the adjustment center, he was charged with possession of marijuana, auto theft, and violation of probation. Because the detention center was overcrowded, the youth was not detained pending his court appearance on these charges. During the time that he was at home awaiting trial, he was again arrested for auto theft and this time was detained at the youth center. Within a few days of his detention, he was placed in an isolation cell for fighting and disruptive behavior. While in the isolation cell, he managed to remove the steel casing around the light in his room and used it to smash a hold in his detention cell wall before the escape attempt was discovered. (Included in this letter are black and white photos of the wall.)

Following this incident, Tracy was transferred to the juvenile cell in the Mobile County Jail where the events described in his letter took place.

Although this is only one incident, I think it serves to illustrate my point that violent juvenile offenders are sufficiently disturbed and dangerous to completely rule out a restitutional probation type program as an acceptable alternative to their incarceration. What is needed are facilities specially constructed to control them, and long-term programs for their rehabilitation. At present juvenile courts have two rather unacceptable options for dealing with this type of offender: (1) is to transfer the juvenile to the adult court system where, because he is inevitably the youngest offender with a less extensive record than his older counterparts, he is usually given a short sentence in an adult prison facility which, not only fails to rehabilitate him, but makes him even more dangerous to society; (2) the other alternative is to commit the youth to a juvenile delinquent program where security is insufficient, and the rehabilitation program is geared to the less serious offender with parole occurring within the first year.

I think the idea about opening up space in existing detention facilities by greater utilization of restitutional probation type programs is an excellent idea for property offenders. In our local court, we make extensive use of this type of alternative, and during fiscal year 1979-80, we distributed in excess of $63,000.00 in restitution and charitable donations from approximately 2,500 juvenile offenders. The overwhelming majority of them completed their probation and have not committed another offense.

As a final note on Tracy's letter, I think you would be interested to know that following an investigation, which revealed that the incidents did, in fact, occur, both victims refused to file charges or testify against the other youths.

Other issues that I would like to bring up with the committee are the need for specialized staff training in dealing with the violent offender, and the need for classification devices to separate violent offenders from others in the juvenile justice system.

Sincerely,

Robert J. Martin
Chief Probation Officer

RJM/dl

Senator SPECTER. We will turn now to Judge William Gladstone, administrative judge for the family juvenile division of the 11th judicial district of Dade County, Fla., and a jurist who has an extraordinarily well-qualified background, having been a graduate of the Yale Law School in my vintage—in fact a year ahead—a long-standing personal friend of mine.

Bill Gladstone, we welcome you here today and look forward to your testimony.

STATEMENT OF HON. WILLIAM E. GLADSTONE, ADMINISTRATIVE JUDGE, FAMILY-JUVENILE DIVISION, 11TH JUDICIAL CIRCUIT, DADE COUNTY, FLA.

INTRODUCTION

Judge GLADSTONE. Thank you, Senator Specter.

I should like to really first express my personal gratitude to you, and I suppose, the gratitude of everyone in the juvenile justice system, Senator, for the national leadership that you have given in continuing the juvenile justice effort on the part of the Federal Government.

First off, with all due respect to the first young man who testified, I think I would like to answer two of your questions before you ask them.

One is, I have never injured anyone in my court, and second is, I have convicted many more than 38 people. [Jokingly.]

I have presented prepared testimony to you, and a copy of a study, a research project that we completed in Dade County. I should like here briefly, if I can, review my written testimony.

Senator SPECTER. That would be fine, Judge Gladstone. Your full testimony will be made a part of the record, and a summary would be most appropriate.

Judge GLADSTONE. I tried summarizing last night, Senator. I came up with 13 minutes, rather than the 10 minutes Mr. Cohen told me I had. If I speak very fast, will you let me fly?

Senator SPECTER. We may extend a little extra deference to you, Judge.

Judge GLADSTONE. I want to talk about three things. First, I want to talk about juvenile delinquency and violent juvenile delinquency, as it is perceived by the public and as it really is, and I want to talk about government's response to that, and what government's response, in my view, should be.

Second, I want to describe the violent juvenile offender, four categories as I see juvenile offenders who are violent.

Third, I would like to outline to you the elements of a correctional and training program quite different from the traditional training programs that we see, but which I am convinced will work.

JUVENILE DELINQUENCY AND VIOLENT JUVENILE DELINQUENCY, AS PERCEIVED BY THE PUBLIC AND AS IT IS; AND GOVERNMENT'S RESPONSE, AS IT IS AND AS IT SHOULD BE

In the public mind the term "juvenile delinquency" conjures up images of this huge, violent, cruel teenager who is knocking elderly ladies over the head and taking their pocket books—and there are such children. I see far too many of them.

But I think it is very important to focus properly and to understand that these children are a minuscule portion of juvenile delinquents. As a matter of fact, all children are or could be juvenile delinquents, or almost all. Every study I have seen shows about 90-some percent of kids commit crimes. Only about 5 percent of them are we here talking about, the ones who commit the violent crimes.

I think it is important—and I understand the need for government to respond to concerns of the public—but I also think it is important to dispel the myths to which the public subscribes.

Incidentally, I think the Federal Government may be missing much of the point of public concern I think you were referring to earlier, by limiting its activity, one, to violent crime; and two, limiting the definitions of "violence" to first and second-degree murder, kidnap, forceable rape, sodomy, aggravated assault, armed robbery, and first-degree arson.

As you have said it, and I agree, the community out there is concerned about strong-arm robbery and about burglaries in which people's valuables are ruined or taken.

I frankly believe we would get more "bang out of the buck" if we really concentrated our efforts on the 95 percent of the other children who are arrested for crimes, if we got ourselves involved in programs of early identification, intervention at an early age, and prevention and diversion programs of meaningful consequences—consequences that contain certain types of training and education. I opt for this kind of front loaded system, but I understand the political realities of the great public concern with serious crime.

I further believe it is important for government and for the public to understand and accept the fact that the juvenile justice system does not create delinquency. Families, neighborhoods, society make delinquent kids.

Too often I have seen really talented professionals in this field sacrificed by a public demand for quick solutions to society's inadequacies. We live, of course, in this "me generation" when everyone thinks solely of himself. This has kind of infected the American family—Senator Denton was talking about this earlier. We really do not give much of a damn about our kids anymore, and they do not give much of a damn of about what they do, it seems to me—too many of them.

Chronically violent children are from violent neighborhoods, households where there is—we have been able to show—an extremely high incidence of intra-family violence, and from a society which I see as having a kind of sick fascination with violence.

Carl Menninger says that we really love violence in this country, and I suspect he is right. I suspect that our reporting media and our entertainments really contribute to that.

In sum, I feel that government has responsibility to act responsively, but also responsibly.

NATURE OF THE VIOLENT JUVENILE OFFENDER

The subject today still is "The Violent Juvenile Offender." Who is he or, infrequently, who is she?

I think there are four major categories, as I see them.

First, the emotionally disturbed and the mentally ill. There are far many more such children than I think we realize. Our institutions—our juvenile institutions, our adult jails and prisons—are full of such people. It is a tragedy that they are. It is a tragedy that our public mental health service delivery system in this country is as woefully inadequate as it is.

Second are the intellectually deficient. These are the organically, neurologically impaired retardates who, like the emotionally disturbed, are too often put in our juvenile institutions rather than in the kinds of training and treatment programs that they need. They usually fall in the borderline ranges of retardation or the mild ranges so that they are really not diagnosed, and they are of far too high an I.Q. to go into the more traditional kinds of retardation programs.

The third group, and far and away the largest, are the inadequate, unsocialized personalities. Teenagers in this category, I believe, are by far the largest number of serious juvenile offenders and violent juvenile offenders.

These youths because of a lack of proper parental nurturing, inadequate of child rearing at an early age, just never really developed. They act very much like the retardates. We call them the "functionally retarded." They have an immediate need for gratification of their every wish. They do not have any tolerance for frustration whatsoever. They take what they want. They act quickly and without any control over their impulses.

In effect, they ceased growing sometime in early childhood. In effect, most of these violent kids who knock people over the heads are 6- and 7-year-olds in the bodies of 16- or 17-year-old "dull brutes."

The juvenile offenders survey project that I submitted demonstrates some of this. It used a rather unique, and I think, interesting test that they call "moral development"—a kind of dangerous word to use perhaps. It is based on theories of the Swiss psychologist, Piaget, who posited that children, little children, think of right and wrong in terms of the punishment they might get, instead of what the consequences of their acts may be to society.

This was demonstrated rather clearly with our delinquent teenager population. They still thought in terms of the punishment. An example is to show a child a cartoon of a kid who walks by a table and accidentally knocks over 15 plates from the dinner table and they all shatter.

You show the child another cartoon of a child sneaking his hand in a cookie jar, and the cookie jar breaks. Little bitty children will invariably tell you the kid who broke the 15 plates did that which was most wrong.

Along about age 7 to 9, most children get a more abstract sense of right and wrong. But teenage delinquents, incredibly, still have this same infantile version of what is right and what is wrong. These are the losers, the dumb failures. Everybody tells them they are losers, they have had no success. They act angrily. They will take a watch by buying it, by stealing it, or by knocking you over the head for it, and they really do not see the difference in the three acts.

They are not intrinsically cruel people, and I posit to you that we can do something for them in the kind of program that I am going to briefly outline to you in a minute.

The fourth category—and I will just touch on that briefly—are the sociopaths. These are people whose personalities are fully developed. They are mean. They do not care about you and they have no conscience, and those people frankly do not belong in the juvenile justice system. As a matter of fact, we are not going to be able to work with all of the kids in the unsocialized third category—some are beyond training.

Senator SPECTER. How do you separate them out, Judge?

Judge GLADSTONE. You will have to separate them out by whatever system you have, sir, to place them in the adult correctional system. So far as I know you can do two things. You can incarcerate them for many, many years. Of course, by binding a child over to be tried as an adult we are not necessarily doing that which is going to do society ultimately any good, or you can put them in long-term behavior modification programs, 10 or 12 years of what is really brainwashing, and I have some concerns about that the constitutionality of that.

Senator SPECTER. How do you identify that group?

Judge GLADSTONE. How do you identify them? By psychological testing. I am satisfied with the quality of the work I see fom the psychologists who work in my court, and we see a certain number, they are very small in number, but we do see some kids who are beyond help.

Senator SPECTER. What percentage would you estimate?

Judge GLADSTONE. Well, if there are only 5 percent of children who act violently to begin with, I would say it is certainly less than 1 percent who are full blown sociopaths.

Senator SPECTER. What did you do with the last one you identified, if you can recall?

Judge GLADSTONE. What did I do with what, sir?

Senator SPECTER. What did you do with the last one you identified, by way of sentencing?

Judge GLADSTONE. The sociopaths?

Senator SPECTER. Yes, sir.

Judge GLADSTONE. We bind them over, or they are direct filed on in the adult courts. They go into the adult correctional system, and they go to prison. That, frankly, is where they belong. We have nothing to offer them.

A JUVENILE CORRECTIONS/TRAINING SYSTEM TO DEAL WITH VIOLENT OFFENDERS

Senator SPECTER. Judge Gladstone, that probably brings us to the suggestions you have. What do you recommend for dealing with the juvenile crime situation?

Judge GLADSTONE. What I have, I believe, could in large measure replace the traditional training schools we have. As a matter of fact, it could replace that which we do with most adult prisoners.

It is a program that first would involve prompt punishment for any unlawful act, usually of short term and probably punishment that would just consist of pure incarceration for a little while because kids, especially these undersocialized kids, have got to

understand, and have got to understand quickly, the connection between their act and the punishment they get for it.

The main part of the program, however, is one that is habilitative in nature with strong emphasis on challenges, rewards for success, work ethic, responsibility, discipline, work habits.

Senator SPECTER. How do you do that?

Judge GLADSTONE. Education.

Senator SPECTER. How do you do that?

Judge GLADSTONE. Let me give you an example. I would do it—if I had my "druthers"—by taking the most violent of these kids and putting them out in the country, way out in the country, in desolate areas. In Florida perhaps even in the Okefenokee Swamp, isolating them. Having them live in camps, having them work on public projects. Public projects such as water, forests.

Senator SPECTER. Beginning at what age?

Judge GLADSTONE. Starting anywhere up in the teens, probably around age 14 we would certainly be able to succeed with some of these kids in this kind of a program.

When they work, you pay them for the work. I am not talking about old-time road gangs. You take that pay and you show the kid that part of it goes for his maintenance. Another part will go to the victims of crime, and the third part should be pure profit to that kid.

Senator SPECTER. Do you include restitution as part of your disposition of a case?

Judge GLADSTONE. I most certainly do, but I think restitution has to be sensible restitution. You cannot take a child, a ghetto kid, who has done $250,000 worth of damage to a public school and expect him to repay it.

But you had better do something to him and do something quick to show him there is a consequence for that kind of conduct. If he earns a salary, let part of it go back to the public school system.

Senator SPECTER. Judge Gladstone, how would you approach the question that I have asked somewhat repetitively, what is the critical age as you see it for dealing with the juvenile in the crime cycle?

Judge GLADSTONE. Birth.

Senator SPECTER. Not until then? [Laughter.]

There is another subcommittee of the Judiciary Committee which is working at this moment on antedating that event. [Laughter.]

Judge GLADSTONE. I deserve that kind of a response from you, Senator.

Senator SPECTER. You just may be before the wrong panel today.

Judge GLADSTONE. Maybe I am.

The critical part—seriously—is what happens not so much in the juvenile justice system, but what happens to little children, the kind of nurturing they get when they are kids.

Senator SPECTER. What can the Senate or the court, or any of us do about that? I recognize, of course, in a very serious way the validity of your statement. But what can we do?

Judge GLADSTONE. Well, obviously there are all kinds of social programs that the Federal Government can and does become involved in, in that way. I do not mean to use this as some kind of a

cop-out. I understand that no matter what we do, we are going to end up with violent offenders who are in their teenage years.

I posit to you that we can work with most of them in a kind of program that is nontraditional, that is not a counseling program where they sit around in a circle and talk about it. Most of these "bottom of the barrel" kids do not even have the communications skills to sit around and talk about it.

What you have to do is put them in action oriented kinds of programs where they learn how to work; where they learn responsibility; where, above all, they learn success. When kids learn success, when anyone learns success, they do not act in some kind of socially aberrant way.

These kids are going to take their money and they are going to relate that in some way to learning how to control their impulses. I think the idea is a very viable one.

I might point out to you that the program could also be used, for example, in probationary sorts of programs where you do not have to remove them far from the community. Lots of them would be living at home and still working in these kinds of public projects for pay.

What I did not mean to leave out here was the enormous importance, as I see it, of education. These kids who are in these programs, the adults even, have got to be involved in a very intensive educational program. I opt for what is called "career education" in that respect. I think kids respond to reading a manual about a piece of machinery a lot happier than reading the primer about "Run, Dick, run."

CONCLUSION

Senator SPECTER. Judge Gladstone, in a relatively brief time span, what were the other key elements that you would like to offer the subcommittee at this time?

Judge GLADSTONE. Well, sir, I cannot overemphasize the importance by which the Federal and State government must select, and qualify, and monitor the programs it supports. In all candor, it seems to me that good grantsmanship and certain political considerations from time to time have prevailed over the quality of programs.

I think we have to be very careful. Professionals, so-called professionals, that I see too often are not qualified for their jobs. They are almost always underpaid. The politicizing of the system forces people out of the system frequently when we need quick answers.

Whoever runs the programs, I suggest that we must have careful, professional evaluation of each child. I suggest that we must have a good classification system for each child so that, for example, we cull out the mentally ill.

I suggest that we must have required accreditation of each program according to objective, clear, workable standards, and I suggest ongoing monitoring.

Let me tell you, sir, I have been at this business for about 9 years and I would tell you freely that I am still horrified by the violence that I see. But I hope that I have that violence in perspective. I hope that I understand its origins. I truly believe that there still is a lot we can do for many of these people who are violent by

use of some kind of viable program—perhaps the one that I have suggested.

I do not think the adult criminal justice system has been any remarkable success in this country. I think we really have to work with most of these kids.

Senator SPECTER. Thank you very, very much, Judge Gladstone, I appreciate it very much. Thank you, Chief Martin.

[Judge Gladstone's prepared statement and additional material follow:]

PREPARED STATEMENT OF WILLIAM E. GLADSTONE

I. JUVENILE DELINQUENCY AND VIOLENT JUVENILE DELINQUENCY, AS PERCEIVED BY THE PUBLIC AND AS IT IS; AND GOVERNMENT'S RESPONSE, AS IT IS AND AS IT SHOULD BE

In the mind of the public, the term "juvenile delinquent" brings up the feared image of a huge, cruel, youthful predator who viciously batters old ladies while taking their pocketbooks. There are such delinquents, but it is very important to realize that they make up an almost miniscule percentage of the delinquent population. Actually, almost all children are delinquent. Studies have invariably shown that 90% or more of all children commit crimes; and, of course, most of them grow out of their delinquency and become reasonably law-abiding adults. Only about 5% of all arrested delinquents are, by any definition, violent.

It is important for government to respond to the concerns of the public; but, I believe, it is also important for government to dispel the myths to which the public subscribes.

Incidentally, I believe the federal government may miss the point of a good deal of public concern by limiting its activity to violent crime and further limiting the definition of violence to first- and second-degree murder, kidnap, forcible rape, sodomy, aggravated assault, armed robbery, and arson of an occupied structure. Instead, I believe the public's greatest concerns are with youths who commit strong-armed robberies and who burglarize homes and businesses and steal or ruin valuable property. I also believe that total federal emphasis on Part I felonies would be like the medical profession's suddenly deciding to commit all its efforts and resources to treating terminal cancer patients. We would get infinitely more "bang for the buck" if we were to concentrate on that 95% of delinquents who are not yet chronically violent -- especially if we intervened at an early age with diversionary programs of meaningful and constructive consequences and training. I opt for such a "front-loaded" juvenile justice system, but I also understand the political reality of great public concern over serious juvenile crime.

I further believe it is important for government and the public to accept the fact that the occurrence of juvenile delinquency is not the fault of the juvenile justice system. Society, neighborhoods, and families produce delinquents, not the juvenile justice system; but the system is too often the scapegoat when an almost hysterical public demands action by its government. I have now too often seen really talented professionals sacrificed by public demand for quick governmental solutions to the people's own inadequacies. Chronically violent children are the products of violent neighborhoods, households where there are extremely high incidences of intra-family violence, and a society which, I believe, has an almost sick fascination with violence. Dr. Karl Menninger points out that we really love rather than hate violence, and our reporting media and entertainments seem to bear out his thesis.

In sum, I believe that in responding to public frustration about serious juvenile delinquency, government -- all three branches -- must be deliberate, rational, objective, and effective.

II. THE NATURE OF THE VIOLENT JUVENILE OFFENDER

The subject today, nevertheless, is THE VIOLENT JUVENILE OFFENDER. Who is he, or, infrequently, she? Who are the 5% who get so much of our attention? In my work experience and study, I believe there are four major categories of violent delinquents:

1. The emotionally disturbed or mentally ill. Such children are far more common than the non-professional public realizes, and throughout the United States the public mental health system serving these children is woefully inadequate. Detention centers and correctional institutions (including adult jails and prisons) are full of people in need of psychotherapeutic treatment but who are merely incarcerated for most of their lives. Mental health treatment is often expensive, but the cost to the public and the mentally ill is in every way greater if treatment is denied.

2. The intellectually deficient. Organically, neurologically impaired retardates, like the emotionally disturbed or mentally ill, often end up in detention centers or correctional programs which have no capability of treating or habilitating them. Such people usually fall into the borderline or mild ranges of retardation and are, therefore, either undiagnosed or of too high a performance level to be placed with lower I.Q. level retardates. It seems that if a child falls within these first two categories and is not either very overtly psychotic or practically mongoloid, the condition which brought about the violent behavior will go untreated and be exacerbated in traditional correctional programs. Such children must be cared for in treatment settings, and we must face up to that truth and responsibility, even in a time when the word "treatment" is losing vogue when applied to delinquents or criminals.

3. The inadequate and undersocialized personality. Teenagers falling into this category, I believe, make up by far the largest percentage of violent or serious

offenders. These are youths who, because of a lack of proper parental nurturing and inadequate early childhood development, have not gained the skills necessary to function satisfactorily in society. Such youths are "functionally retarded"; and, indeed, their performance is quite like that of the mildly organically impaired child described in the second category above. These youths act in the classically retarded manner -- they have no tolerance for frustration and they need to have their every wish immediately gratified; they act almost totally upon impulse and without thinking about consequences to themselves or others. In effect, they ceased growing emotionally after the first several years of their lives, and violent delinquent acts are most often perpetrated, I am convinced, by such six- or seven-year-olds in the bodies of fifteen- or seventeen-year-old dull brutes.

A research project completed in my county last year, The Juvenile Offender Survey Project -- A Study of 100 Dade County Juvenile Offenders and Their Families, developed and applied a remarkable "moral development" test based upon the theories of the Swiss psychologist, Piaget, who holds that children's ideas about morality change as they grow older. Testing has demonstrated that around the age of seven to nine children's thinking about morality shifts from judging right or wrong in terms of self or the punishment which might result from an act to thinking about right or wrong more in terms of what is good for society. The delinquent teenagers tested had not developed this more abstract sense of "right" and "wrong". Like young children, for example, they thought that accidentally knocking fifteen plates off the dinner table and breaking them was more "wrong" than sneaking into the cookie jar and accidentally breaking the single jar. (A copy of the report of our research project is submitted with this statement to the Subcommittee.)

I am convinced that we should not be dealing with these unsocialized, underdeveloped and inadequate personalities in the now standard "treatment" or "counselling" programs for juvenile delinquents. These youths do not respond to middle class peer counselling programs of "sit around in a circle and talk about it" because they lack basic communication skills. They are considered dumb and failures by everyone and every system they come in contact with. They are most often trapped in environments of physical and emotional poverty. They are angry, and they frequently act assaultively. They are emotional infants who do not really distinguish between buying a watch, stealing a watch from a table, or obtaining a watch by committing a violent robbery. I am convinced that we can still bring most of these violent but not intrinsically cruel offenders to a productive and law-abiding life by use of the program I shall later outline.

4. The sociopath. No doubt there are a certain number of teenagers whose personalities are fully formed, who do understand concepts of right and wrong and the consequences their violence may have upon others; but they simply do not care. These people, who act in violence and without conscience, might be made safe to others by intensive behavior modification programs lasting for perhaps as much as a decade, but there is, I suppose, considerable question as to the constitutionality of such "brain-washing" programs. In any event, such persons and those in the unsocialized category who do not respond to training do not belong in the juvenile justice system and must be the responsibility of the adult correctional system.

III. A JUVENILE CORRECTIONS/TRAINING SYSTEM TO DEAL WITH VIOLENT OFFENDERS

I propose that in its efforts to deal with violent juvenile offenders (or adult youthful offenders, for that matter) the federal government should help to develop and support an activity-oriented system to replace the traditional counselling-oriented system.

This proposal includes prompt punishment (perhaps by pure incarceration) for short periods of time immediately following the delinquent act, so that the youth will make the connection between the act and the consequence. There must also be immediate consequences for misdeeds throughout the term. My suggested program includes a habilitative period, perhaps measured in terms of years rather than months) with strong emphasis on challenges and rewards for success. The model would be more of a business or industry orientation than of behavioral science orientation. There must be strong emphasis on the work ethic, responsibility, discipline, desirable work habits, the development of employability skills, and, above all, great emphasis on basic education.

By way of example, violent offenders could be isolated for the necessary period of time from society by placing them in camps in remote areas and by having them work on public projects such as forests, parks, or waters. Good work and good conduct should be rewarded with a salary, a portion of which should go to the cost of food, clothing, and shelter for the offender, a portion of which should go to repay, at least in part, the victim of his crime, and a portion of which should go as pure "profit" to the offender. The public would receive a dollar's worth of public improvement for each dollar paid, and labor would not be threatened because the offenders would not be working in desirable job areas.

Such employee-offenders must meet specific work standards, have specific responsibilities to other persons and activities requiring cooperative effort, be challenged by their environment and be able to meet such challenge, and complete an educational program designed, at least, to achieve "survival skills" back in the mainstream of society. I cannot overemphasize the importance of the educational

component (we know that those youths who progress two grades while spending several months in state training schools are the least likely to recidivate); and I believe that the educational program should be in the "career education model." Delinquent children, if not all children, are more likely to be willing students, if, for example, they learn reading or arithmetic from simple instruction manuals while working on a piece of machinery rather than from the "See Dick Run" reading primer.

I am convinced that such a program, elements of which I have worked on and have seen or heard about in several juvenile justice systems, is best designed to deal with the action-oriented youth who falls into the majority group of unsocialized persons described in the third category above. I also believe that modified versions of such activity-oriented programs would be effective with the emotionally disturbed, mentally ill, and intellectually deficient categories of children described in the first and second categories above, provided that specific and necessary treatment for mental and intellectual problems is an adjunct to the program.

I am convinced that "success" is the key word, and I know that success is totally lacking in the lives of most of the more serious offenders I see. Rewards in terms of financial success will give impetus to otherwise violent youngsters to attempt to control their impulses.

Lastly, I cannot overemphasize the importance of the process by which federal or state government will select, qualify, and monitor the programs they support. Those of us who work directly with delinquents know that too often good grantsmanship or political considerations prevail over real quality of program and quality of program personnel. Too many "professionals" I deal with almost daily have not been properly trained or are otherwise not qualified for their jobs, all are underpaid; and, as noted previously, the "politicizing" of the system leads to sudden and sometimes almost hysterical changes in program direction and frequent turnover in personnel. Too often the truly talented and dedicated professionals either leave the system in frustration or are fired. Politicization is minimized, I believe, when government contracts for services with the private sector rather than providing the services itself. I suggest that, in any event, the business-profit oriented model outlined can best be run by private programs — themselves businesses. Whoever runs the programs, success can only be assured where there is careful professional evaluation of each child before placement, a good classification system for children, required accreditation of each program according to clear, objective, detailed and operable standards, and ongoing monitoring of each program.

IV. CONCLUSION

After almost nine years as a judge dealing with families and juveniles, I confess that I am still horrified and outraged by much of the violence I see, but I also see chronic violence as rare by comparison to the total number of juvenile crimes. Further, I believe I understand the origins of violence, and I believe we can prevent much of it by early identification and good early intervention. A considerable number of violent teenagers are beyond the help of any program, and I do not hesitate to "send them downtown" to be tried as adults. Unfortunately, I must also bind over many other youths to the adult system only because I know we do not have the juvenile programs we need. I am convinced that the work-oriented program suggested will be both cost and corrections effective with most violent and other seriously delinquent youth.

THE JUVENILE OFFENDER SURVEY PROJECT

A STUDY OF 100 DADE COUNTY JUVENILE OFFENDERS AND THEIR FAMILIES

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A STUDY OF 100 DADE COUNTY JUVENILE OFFENDERS AND THEIR FAMILIES

INTRODUCTION

Despite a proliferation of programs designed to prevent and treat anti-social behavior in children and adolescents, juvenile delinquency continues to be a major problem in the United States today. Newspapers are daily filled with accounts of juvenile crime resulting in loss of life, injury and serious property damage. In 1979, over 9000 delinquency petitions were filed by the Dade County State Attorney's Office, and the numbers are growing. Despite a judge's order limiting the Youth Hall population, the Dade Detention Center continues to be filled with juveniles considered to be too dangerous to be released home. Many of these offenders are "veterans" of Youth Hall and a variety of counseling and intervention programs. The failure of many of the so-called delinquent treatment programs is in no small way related to our tendency to ignore children's problems until they lash back at us during the teenage years. As our findings in this paper illustrate, juvenile delinquents are not just "bad" children, from "bad neighborhoods", but often those who are clearly troubled by emotional, intellectual, family and school related problems which have been developing and festering for years. Typically, the beginnings of delinquent behavior also marks the beginning of a community response which will be too little, too late.

It was in an attempt to better understand Dade County delinquency, that child development researchers from the Juvenile Offender Survey Project[1] conducted a series of developmental tests and interviews with 100[2] juvenile offenders and their parents over a one and one half year time period, between June, 1978 and January, 1980.

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The significant contribution of Dr. William Kurtines, Associate Professor of Psychology, Florida International University, is also acknowledged. Dr. Kurtines co-authored the Moral Development Scale with Dr. Pimm, and assisted in the analysis of the Moral Judgement Data.

Approval of the ethical considerations for testing of human subjects was provided in an advisory capacity by the Barry College School of Social Work. Barry College Social Research Professor Dr. David Fike provided initial statistical consultation.

Offenders were selected through randomly drawn delinquency petitions filed by the Dade State Attorney's Office. The majority of cases came before the Honorable William E. Gladstone.[3] Offenders and their families participated voluntarily, on the basis of informed consent.

Many myths and opinions exist as to the nature and causes of juvenile delinquency. To answer some of them, this study was conducted with the following questions in mind:

1. Is it true that most delinquents have trouble understanding the difference between right and wrong?
2. Do delinquents usually fail in school? Has our school system failed to meet their needs?
3. Are delinquents intellectually slower than other juveniles?
4. Do delinquents have dangerous, or defective personalities?
5. How do delinquents perceive their families?
6. Do families of delinquents have a high level of physical violence between family members?
7. Do parents of delinquents discipline their children? If so, how?
8. Do parents of delinquents drink or abuse drugs more than others?
9. What are parents and families of delinquents like? Do the parents care about their children.

In Section I we summarize the conclusions of our study. Section II presents findings from a new and unique test recently developed to learn whether or not juvenile offenders are able to reason correctly about lawful and moral behavior. Significant findings on the intelligence and school achievement of delinquents are discussed in Section III. Offenders' family perceptions and personality characterisitics are found in Section IV, while the high levels of family violence (including spouse abuse) are reviewed in Section V. Also described here are the disciplinary methods used on offenders by parents. In Section VI we describe the backgrounds of the families and parents of delinquent children. Four brief cases of Dade County delinquents are presented in Section VII. Some final questions and implications are in Section VIII.

In addition to the information presented in this report, the authors will be publishing future reports containing additional Project data and analysis on such areas as early childhood development, offenders' personalities and types of crimes, and further analysis of delinquents' moral develop-

ment. The voluminous amounts of data collected has precluded presentation of all the data in one report.

SECTION I

CONCLUSIONS

1. Delinquents are significantly less able to understand the principles and concepts of morality, compared to their non-delinquent peers. This is related primarily to the inability to think clearly about such concepts rather than their intelligence levels.

2. Delinquents are more apt to be intellectually slower than their non-delinquent peers. Well over half of the delinquent population scores below average or normal on a standarized intelligence test. Anglos, Hispanics and Blacks scored in the average, low average, and borderline ranges respectfully. Although test bias against the large percentage of ethnic minorities is a factor here, the results are significant in that they indicate how well an individual will succeed in our Anglo-oriented verbal society. Additionally, even when test interpretations are adjusted for such bias, almost half the population still scores below average.

3. Delinquents are consistently more apt to fail in school. Reading and math scores indicate that delinquents have been subject to repeated failure in schools and that they are ill-prepared for productive adulthood. This is true of both sexes and in the Anglo, Hispanic and Black groups.

4. Vocational training and preparation is the greatest educational need among the delinquent population. Relatively few delinquents can succeed in a regular classroom. Strong behavioral control is the primary issue for most delinquents attending a public school

5. Most delinquents have minor or major emotional problems, or inadequate personalities. The most frequent type of inadequate personality is the unsocialized personality.[4] Unsocialized personalities are endemic to poverty and racism, and Blacks are most likely to fall into this category.

6. Family violence is frequently found in the homes of delinquents. The incidence of spouse abuse, primarily by husbands, is significantly higher than in the general population. Spouse assaults occur in over half the families.

7. There is a high level of alcohol use or abuse in delinquents' families. Over half the spouse assaults were associated with alcohol consumption. Most of the alcohol related spouse assaults involved husbands drinking.

8. Parents of delinquents to attempt to discipline their children by a variety of methods, however, physical punishment is most frequently used. Those who use physical punishment are apt to hit their children with a belt and to inflict a slightly harder than "average" blow to the buttocks.

9. The average age for delinquency is fifteen years. Fifteen, sixteen and seventeen year old delinquents commit over seventy percent of all juvenile crimes.

10. Black males are the most serious and frequent offenders. Hispanics appear to have a growing involvement in juvenile delinquency, having increased from about eight percent in 1975 to twenty percent during 1979-1980. Anglos are least likely to commit a crime directly involving a victim, compared to the racial/ethnic minority groups.

11. Female delinquency is relatively rare, and Latin female delinquency almost non-existent in Dade County.

12. Drug cases are also relatively rare for juvenile delinquents. Most cases involving the use or possession of drugs are secondary to other non-drug offenses.

13. Delinquents' families tend to be large, averaging five children, including the offender. Families with five or more children are likely to have other children involved in delinquency. Fifty percent of the delinquents' families do in fact produce two or more delinquent children. Blacks are most likely and Anglos least likely to have five or more children.

14. Teenage pregnancy is not a significant factor for parents of delinquents, however, a lack of overall family planning appears to be related to large families and the development of delinquency within them.

15. The parents of delinquents average a ninth grade education, indicating that poor school achievement is a familial cyclical characteristic among the delinquents' families.

16. Most parents of delinquents fall into the unskilled or lowest category of job status. Because of clerical and sales jobs, wives fare somewhat better on higher job status that husbands, however, overall, the picture is poor for both sexes.

17. Overall, families of delinquents are apt to be living at a substandard or poverty level of existence. Black families are most likely to be living in the poverty range.

18. Well over half of the delinquents' families are broken by separation, divorce or death. Most delinquents are in the care of their natural mothers. The evidence suggests that the multitude of personal and family problems which have developed over time has made the management of the delinquents and their family problems a difficult, if not impossible, task for these mothers.

19. Most parents of delinquents appear able to have positive attitudes or express a positive concern about their children, despite their problems.

SECTION II

RIGHT OR WRONG - DO DELINQUENTS REALLY KNOW THE DIFFERENCE?

This section of the paper deals with the results of administering the newly developed Moral Developmentl Scale (MDS) to this group of juveni e delinquents. The notion that delinquents are somehow unable to know the difference between 'right and wrong' has intrigued investigators in the field of moral development for some time. Are juvenile delinquents truly malicious misfits, preying on innocent victims, or are they really unable to understand the laws and rules of society? Past studies in this area have yielded poor results by failing to take other factors (such as sex and intelligence) into account. Also, these measures of moral development have usually used tests or procedures which were not valid or reliable. (Kurtines and Grief, 1974) Thus, until now the question has not been answered.

The Moral Development Scale developed by Kurtines and Pimm and utilized in the present research is a short easily administered and scored set of standardized moral dilemmas. Testing on non-delinquent children has proved the test valid and valiable and provided a way of measuring the moral development of the delinquent population. Administration takes from fifteen to thirty minutes, and the scale can be administered by those unfamiliar with psychological theories of moral development.

The scale is based on Piaget's theory which argues that children's ideas about morality change as they grow older. Around the age of seven to nine years of age, there appears to be a shift in the thinking of young children from assuming that an event or behavior is wrong because it results in punishment, to thinking about right and wrong more in terms of what is good for society.

The Moral Development Scale consists of a series of stories accompanied by pictures. Each set of stories involves a dilemma which is presented to

the subject. The topics consist of dilemmas about lying, stealing and clumsiness; they also deal with such issues as punishment and fairness or equity. Young people appear to find the dilemmas thought provoking and worthy of their full attention and their answers reveal a great deal about the way in which they view the issues of "right and wrong".

The Moral Developmental Scale yields a total Moral Development Score that provides a composite measure of the child's sense of responsibility and the attainment of the concept of justice, as well as separate scores for Responsibility and Justice. The Responsibility Score is concerned with the type and quality of the child's use of principles of equality and reciprocity in human relations.

An example from the clumsiness scale would be as follows: (See Illustration 1.)

"John was playing in his room when his mother asked him to come to dinner. While John was walking by the table, he slipped and bumped the dishes. Fifteen of the dishes fell and broke."

"One day when Henry's mother was not home, he decided to eat some cookies even though his mother had told him not to. While he was taking the cookies, Henry dropped the cookie jar, but only the lid broke."

Which of these boys was worse? Why?

Piaget found that below the age of seven, most children associate "badness" with the amount of damage, that is, the greater number of things broken - fifteen dishes to one lid. Later, children begin to recognize that intentionality is important and will see that the boy who was taking the cookies was worse, not the clumsy boy.

This scale was administered to the population of 100 delinquents and the findings were as follows:

1. Delinquents, on the whole, responded on the scale in a manner more similar to that of younger children.
2. Although there is a relationship between I.Q. and scores on the Moral Development Scale, delinquents remained delayed in their responses even when I.Q. is taken into account.
3. When compared to other adolescents with higher I.Q.'s and without delinquent problems, the delinquents scored signi-

ficantly lower than their age mates on the Moral Development Scale. Analysis shows this result would still be true even if I.Q. was not different between the two groups.

4. As we will discuss in detail later in this paper, there were significant I.Q. differences between the three ethnic groups - Black, Hispanic and Anglo Americans with the Anglo delinquents (Table 4) scoring closest to the average range of intellectual ability. However, there were no significant differences among the three ethnic groups on the Moral Development Scale scores. All delinquents, regardless of ethnic background, scored significantly lower than non-delinquents on the Moral Development Scale. (Graph 1 [6])

Further investigation is necessary to understand the factors which cause the delinquent group to show a delay in moral development, and to ascertain the ability of the Moral Development Scale to predict delinquent behavior, however, these findings indicate that delinquents on the whole are unable to discriminate well in situations requiring a decision about lawful versus unlawful behavior.

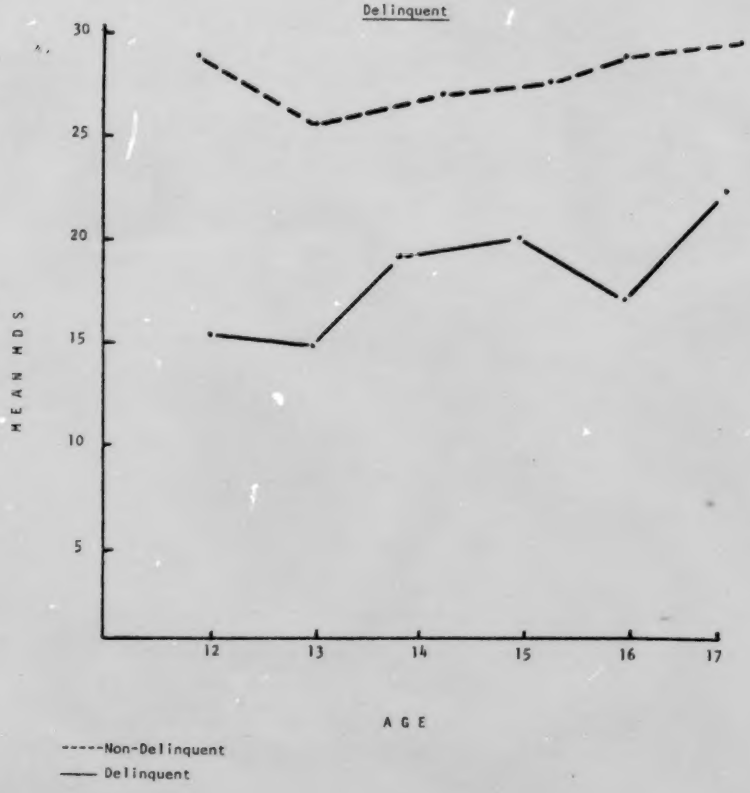
GRAPH (1)

ACHIEVEMENT ON THE MORAL DEVELOPMENT SCALE

Non-Delinquent

&

Delinquent



SECTION III

THE INTELLIGENCE AND SCHOOL ACHIEVEMENT OF JUVENILE DELINQUENTS

Delinquents were given a battery of valid and reliable tests relating to intelligence and achievement, including the Wechsler Intelligence Scale for Children, revised (WISC-R), the Peabody Individual Achievement Test and the Bender-Gestaltdrawing test. Testing was supervised by a certified school psychologist and licensed clinical psychologist.

When the distribution of the delinquents' intelligence scores are compared against those of the general population, it is readily apparent that they are at a serious disadvantage in school and impending adulthood. As see in Table (1), the greatest percentage of delinquents (44.4%) fall into the borderline (between normal and retarded) range of functioning, whereas, the general population comprised only about 14%, for this range. Equally dramatic is the comparison of the normal ("average") distributions. The delinquent sample made up only about 36% for this range, as against about 68% for the general population. The mean intelligence quotient for males was low-normal at 82.18. Mean scores for the Anglo-Americans (91.80), Hispanic-Americans (83.71) and Black-Americans (74.71), placed them in the normal, low-normal and borderline ranges of intelligence, respectively.

Overall, 63.34% of juvenile offenders fall intellectually below average according to strict interpretation of I.Q. scores. Although cultural test bias against Blacks (who made up about half of the "official" delinquent population) depress their I.Q. scores, a strict interpretation of test results is useful because it gives some indication of an ability to succeed in a biased society where emphasis is given to Anglo oriented expressive abilities. Additionally, even when adjusting test interpretation for test bias, 48.86% of the delinquent population still falls below average. The I.Q. distribution for this sample shows a close resemblance to a 1976 sample of institutionalized delinquents in Florida state training schools (Kaplan, 1977), supporting the theory that as a group, delinquents have significant deficits in intellectual functioning (Kaplan, 1977; Pimm, 1978). Almost half of the offenders (48%) also had some degree of difficulty in visual-motor perceptual skills, indicating an organic or non-emotional factor contributing to school failure and an uncertain adult future.

TABLE (1)

A COMPARISON OF THE DISTRIBUTION OF I.Q. LEVELS
BETWEEN THE DELINQUENT SAMPLE AND THE GENERAL POPULATION

Delinquent Population Intelligence Test: WISC			General Population Intelligence Test: WISC	
IQ RANGE	% OF POPULATION		% OF POPULATION	IQ RANGE
	DELINQUENTS	INTELLIGENCE CATEGORY	NON-DELINQUENTS	
115 & Up	1.1	Above Average	15.86	116 & Up
85 to 114	35.6	Average	68.26	86 to 115
70 to 84	44.4	Borderline	13.59	70 to 85
55 to 69	15.6	Mildly Retarded	2.14	55 to 69
54 and Below	3.3	Moderately Retarded	.13	Below to 54

The educational achievement of delinquents is also a dismal picture. Using the Peabody Individual Achievement Test, grade equivalent levels for math, reading comprehension, and reading recognition were obtained. As shown is Table (2), the sample had an average score equivalent to around sixth grade. Mean reading comprehension and reading recognition scores were equivalent to around the fifth grade, placing offenders about four and five years behind their non-delinquent peers in math and reading skills. These figures are again consistent with those obtained from the 1976 institutionalized delinquent sample (Kaplan, 1977), indicating that school failure is an undeniable feature of the average delinquent.

A breakdown of educational achievement by ethnic groups also shows an across-the-board failure to "keep up" in school. Anglo-Americans had an average math grade score equivalent to about seventh grade. On reading comprehension and reading recognition, their average grade equivalents were also within seventh grade. For the Hispanic group, mean scores on the math and reading areas were at the sixth and fifth grade levels. Blacks scored at the sixth grade level in math, and below the minimum fifth grade literary level in reading (Table 2).

Almost forty-five percent (44.94%) of offenders are achieving two years, or more below their expected ability level in reading skills. 31.46% also

achieve two years or more below their expected ability level in math. Even while taking limited intellectual abilities into account, this means that the schools have not been able to provide an appropriate education, which, otherwise, could prepare such juveniles for a chance at productive, law abiding, adult life. Over one third of those underachieving have virtually no reading or writing skills.

TABLE (2)

EDUCATIONAL ACHIEVEMENT BY GRADE EQUIVALENT PERFORMANCE BY DELINQUENTS ON MATH, READING COMPREHENSION AND READING RECOGNITION (PEABODY INDIVIDUAL ACHIEVEMENT TEST)

			ACTUAL GE* PERFORMANCE LEVELS			
SKILL AREA	SAMPLE $\bar{X}$ AGE	EXPECTED GRADE PERFORMANCE LEVEL	$\bar{X}$ for SAMPLE	$\bar{X}$ for ANGLOS	$\bar{X}$ for HISPANICS	$\bar{X}$ for BLACKS
MATH	15.24	10	6.25	7.97	6.57	6.07
READING COMPREHENSION	15.24	10	5.67	7.95	5.55	4.43
READING RECOGNITION	15.24	10	5.50	7.23	5.26	4.62

*GRADE EQUIVALENT

Based upon a careful analysis of testing results, school-related recommendations were formulated for the delinquents. (Table 3) Only 5.56% of offenders appear to need special instruction for learning disabilities. A sizeable percentage of offenders (33.33%) need an emphasis on vocational training rather than general academics, since they are rarely inclined to spend long hours acquiring knowledge and skills not acquired during seven to ten previous years in school. The next largest group (20.39%) needs an academic setting providing strong behavioral control, as well as an emphasis on "here and now" skills development. Only 17.59% of Dade County juvenile offenders can make it in a regular classroom without some form of special instruction or placement. Those needing classes for the retarded comprise 5.56%. Almost ten percent will require an instructional setting within a residential placement, primarily becuase they are too dangerous to themselves or the community. School settings emphasizing control (either residential or non-residential) together comprise the second largest category at 29.63%.

TABLE (3)

THE EDUCATIONAL NEEDS OF DELINQUENTS

PRIMARY EMPHASIS	% OF POPULATION
Behavior Control [non-residential.	20.37
[residential.	9.26
Vocational Training.	33.33
Learning Disabilities.	5.56
Remedial Tutoring.	8.33
Classes for Retarded	5.56
Regular Classroom.	17.59

SECTION IV

THE PERSONALITIES AND FAMILY PERCEPTIONS OF DELINQUENTS

Using information obtained from interviews with an academy certified clinical social worker, analysis of projective drawings by a licensed clinical psychologist, and case staffings which included a certified school psychologist, a typology of personalities indicates that 88.30% of juvenile offenders coming into court have emotional problems or inadequate personalities (Table 4). The largest category involves juveniles who lack adequate socialization (46.81%). This category is often associated with the effects of poverty and racism, and expectedly, Blacks were significantly more likely to be in this category, compared to the non-Anglo groups. The complete breakdown of personality types is as follows:

TABLE (4)

	MINOR EMOTIONAL DISTURBANCE	MAJOR EMOTIONAL DISTURBANCE	UNSOCIALIZED PERSONALITY	SOCIOPATHIC PERSONALITY DISORDER	TOTAL BEHAVIOR DISORDER	NORMAL PERSONALITY
ANGLO	7.45%	6.38%	10.64%	2.13%	26.60%	4.26
HISPANIC	3.19%	5.32%	6.38%	1.06%	15.95%	3.19%
BLACKS	8.51%	6.38%	29.79%	1.06%	45.74%	4.26%
TOTALS	19.15%	18.08%	46.81%	4.25%	88.29%	11.71%

The results indicate the majority of cases coming before the court need specific, and immediate intervention for treatment of behavior problems. Although the specific relationship between poor school performance and behavior disorders requires more investigation, it is clear that progress towards making delinquents skilled enough for productive and meaningful adulthood is unlikely without such behavioral change, it is likely that such intervention would require a long-term commitment of resources toward delinquents. Problems

in the academic and behavioral areas which resulted after seven to ten years of inadequate attention would unlikely be turned around in less than two or more years, at least. Insofar as the unsocialized group is concerned, the senior authors' clinical observation is that positive change would be most effectively based on activity-oriented treatment plan incorporating opportunities for growth in the vocational, leisure, recreation, academic and interpersonal skill areas. The unsocialized adolescent would be least likely to benefit from a verbal-oriented counseling approach which is so often found in delinquent treatment programs, except as it would be used for monitoring and managing delinquents as they utilize socialization opportunities. Providing delinquents with such an activity oriented treatment system might also provide the best opportunity to internalize the principles of justice and equity which the Moral Reasoning Scale indicates they often do not understand. To "buy into" the accepted standards of morality we must motivate individuals by giving them access to the rewards of the system they often have not been able to get, except by stealing. Such a commitment of resources would be first and foremost a political issue. Committing such massive resources to those found to be delinquent would appear to be unlikely in today's convervative politlcal atmosphere.

Most juveniles (67.39%) appeared to know and understand the relational aspects of being a family member, although 32.61% does represent a sizeable percentage of juveniles who do not understand the concept of family. The inability to understand the family concept was largely due to limited intellectual functioning. Over half (52.26%) of delinquent juveniles do not perceive their families to be healthy cohesive units. As we shall detail later, this is consistent with the finding that over half of the delinquents' families are broken by divorce, separation or death of the parents.

The picture one gets from the above information is that the vast majority of delinquents have school-related, personality and family problems occurring togethter over long periods of time. We must reiterate that any realistic attempt to reduce delinquency rates must allow for intervention in all of these areas. Despite the fact that delinquents perpetuate suffering and loss on many innocent victims, punishment often serves only the short-term purpose of removing them from the community. It is likely that most of these offenders will remain here with their problems for a long time. Without intervention, many of these individuals probably will become more hardened in their criminal behavior.

SECTION V

FAMILY VIOLENCE AND FAMILY DISCIPLINE

Information on family violence was obtained through separate interviews with the delinquents and their parents. Although families were prepared to share personal family information, they did not know specific questions that were to be asked, nor that the juveniles and their parents would be asked some identical questions about violence and discipline in families.

Parents (20.29%) and their delinquent children (19.65%) both reported assaults on parents by the children in about twenty percent of the cases. Instances of parental assault typically involved arguments over the delinquents' behavior.

Assaults between family members resulting in a trip to the doctor or hospital occur in almost twelve percent (11.94%) of delinquents' families, according to parents, and around ten percent (10.34%) according to the delinquents. 7.46% of these assualts involve spouse abuse and 4.48% are child abuse, according to parents.

Spouse assaults occur in over half (54.23%) of delinquent families, according to parents. This is 38.23% greater than the national average, according to reports on a recent national survey.[7] Over half of these cases involve assaults on wives by husbands. 34.38% of the spouse abuse cases involve assaults by husbands and wives on each other following heated arguments. In 12.50% of delinquents' families, husbands are the only victims of spouse assault. Spouse abuse occurred during the use of alcohol in over half (54.05%) of these families; in 83.33% of these instances it was the husband drinking.

The delinquents interviewed offered a somewhat different picture of marital assault. They report 33.34% of their parents involved in spouse abuse, a difference of 20.89%. This may be due to the likelihood that the children were witness to many, but not all instances of spouse assault. The offenders seemed to witness more instances of mutual battering (57.89%) than assaults by husbands on wives (31.57%). The offenders did roughly approximate their parents' report of alcohol use during such instances (54.05%), reporting such drinking in 60.00% of the cases.

TABLE (5)

SPOUSE ABUSE IN DELINQUENTS' FAMILIES AS REPORTED BY THE DELINQUENTS AND THEIR PARENTS

TYPE OF ASSAULT	REPORTED BY PARENTS	REPORTED BY DELINQUENTS	DIFFERENCE BY %
By Husband on Wife	53.13%	31.58%	21.56%
By Wives on Husbands	12.50%	10.53%	1.97%
By Both Spouses	34.38%	57.89%	23.51%
Spouse Assault During Drinking	54.05%	60.00%	5.95%
% of Case With No Spouse Abuse	45.76%	66.67%	20.91%

It is evident that there is frequent physical violence in delinquents' families, occuring with the use of alcohol. As role models, these parents are teaching their children adaptive behavior which is contrary to healthy socialization, as well as the law. The effects of role modeling insofar as alcohol consumption is concerned is also cause for alarm, particularly in view of the reported substance abuse problems occurring in our schools. These findings have serious implications for the future, since family violence is intergenerational tending to become 'normal' or accepted behavior within and between family generations. The fact that so much adult violence occurs in front of children is in and of itself indicative of poor parental awareness and skills and may indicate that such families have a propensity for producing poorly socialized and/or delinquent children.

Parents of delinquents discipline their children by use of physical punishment in slightly over one third of the families (37.20%). A belt or strap is the instrument of choice at (64.29%). Parents were asked to rate the hardness of their punishment on a scale from one to ten, one being the mildest value. On the average, parents most often strike their children on the buttocks (72.60%) at a hardness rating of 6.69%, a somewhat harder than "average" blow.

Delinquents approximated their parents' report of physical discipline indicating physical punishment in 36.36% of the families; belts were again the instrument of choice, according to the offenders (51.67%). The delinquents also came close to their parents' report on the hardness scale, averaging 7.06 on the hardness test. The complete breakdown of parental discipline is as follows:

TABLE (6)

METHODS OF DISCIPLINE IN DELINQUENTS' FAMILIES

REPORTED BY:	PHYSICAL PUNISHMENTS	HARDNESS* SCALE	VERBAL DISCIPLINE	CURFEW RESTRICTION	NO ALLOWANCE	OTHER DISCIPLINES**
Parents	37.20%	6.69	23.17%	23.17%	7.93%	8.54%
Delinquents	36.36%	7.06	29.54%	21.97%	7.58%	4.55%

* Hardness Scale: 1 (Mildest) --- 10 (Hardest)

** Including no Regular Discipline

TABLE (7A)

THE DETAILS OF PHYSICAL PUNISHMENT IN THE DELINQUENTS' FAMILIES

REPORTED BY	WHERE HIT			
	BUTTOCKS	FACE	HANDS	OTHER
PARENTS	72.60%	10.69%	5.48%	10.96%
DELINQUENTS	61.19%	19.41%	7.46%	11.94%

TABLE (7B)

REPORTED BY	INSTRUMENTS USED				
	HANDS	FISTS	BELT	BOARD	OTHER
PARENTS	22.85%	2.86%	64.29%	5.71%	4.29%
DELINQUENTS	23.33%	10.00%	51.67%	10.00%	5.00%

Although physical punishment is the most frequently used form of discipline used on delinquents as they grow up, parents do not, on the whole use as much physical punishment as is often suggested. This finding holds true for the Black, Anglo and Hispanic groups, in that no significant differences exist between the three groups. Inasmuch as physical punishment is a widely practiced form of discipline in the general population, parents of delinquents do not seem out of step with the 'average' parent, particularly in view of the other, non-violent options which are also frequently chosen by them. However, when physical punishment is chosen by them, parents appear to favor using the more severe belt or strap. Their children seem to perceive their parents as more severe in their discipline, in terms of the hardness of the punishment and the methods that were employed. 20.00% of the delinquents reported being hit by a fist or a board as against only 8.57% reported by parents.

It may well be that the parents do not contribute towards anti-social attitudes and behavior in their delinquent children because of their overall disciplinary methods, as much as by the uncontrolled and inappropriate violence which occurs during arguments between spouses and other family

members, while they consume alcohol, and when they do resort to the use of physical punishment as a disciplinary measure. When spouse abuse and other assaults between family members are considered with the significant frequency of physical punishment on children, it is evident that the physical infliction of pain within these families is, in fact, a way of life. As the primary agent of socialization, it is likely that these families are teaching attitudes and behaviors which will be generalized by the delinquents to society at large, and taught to their own children in the future.

SECTION VI

THE BACKGROUND CHARACTERISTICS OF DELINQUENTS AND THEIR FAMILIES

Over half (55%) of the delinquent population is the result of unplanned pregnancies. However, only 15.56% of the unplanned pregnancies were by teenage mothers. The delinquents' ages range from ten to eighteen years. Eighteen year olds are involved in the juvenile justice system as a result of 'official' delinquencies as they approach their age of majority. As Table (8) illustrates, juvenile crime rises dramatically approaching the age of fifteen. About 73.00% of all juvenile crimes are committed by fifteen, sixteen and seventeen year old juveniles.

TABLE (8)

THE DELINQUENTS' AGES[8]

AGES	% OF CRIMES
10 Years	1.00%
11 "	1.00%
12 "	2.90%
13 "	11.60%
14 "	10.70%
15 "	21.40%
16 "	29.10%
17 "	22.30%

Over half (57.47%) of the offenders are born and raised in Dade County. About twenty five (25.29%) percent of the population come from other parts of the United States, while Cuban-born juveniles comprise the third largest category at 11.40%. The remainder (5.84%) come from other parts of Florida.

Females comprise only about eight percent of the delinquent population. Females in court are most likely to have been involved in a crime of theft, typically shoflifting. Black and Anglo females are split 50% - 50% for crimes against persons; no Hispanic females occurred in our study at all, making

Hispanic female delinquency an unusual occurrence (less than one in 100). About seven of every ten male delinquents are involved in a crime involving the theft of property. Almost two of every ten commit a crime directly involving a victim.

Blacks comprise slightly over half of the delinquency cases at 50.4%. Anglos and Hispanics are roughtly split at 28.80% and 20.70%, respectively. 50.50% of all crimes directly involving a victim are committed by Blacks and Anglos are least likely to be involved in this category of crime, compared to the non-Anglo groups.

The percentage of Hispanics in delinquent behavior seems to reflect a growing involvement in anti-social behavior for this group. Since it is evident that most Cuban-born families have adopted Miami as their 'home away from home', we can conclude that the majority of delinquents (68.96%) probably are not part of transient families. In light of the acknowledged failure of our juvenile justice system, can we then expect our delinquency rate to continue to climb?

TABLE (9)

DELINQUENCY AND CULTURE

RACIAL/ETHNIC GROUP	% OF POPULATION
ANGLO	28.80%
HISPANIC	20.70%
BLACK	50.50%

Delinquents' families are large, averaging four siblings. Almost half (47.61%) of these families have five or more children, and 50.00% of the families have two or more delinquent children, according to information provided by the parents. Families with five or more children are significantly more likely to have two or more delinquent children. Blacks are most likely and Anglos least likely to fall into the five or more children category.

Parents of delinquents fared little better than their children on school achievement, averaging a ninth grade education; this was true for both men and women. When rated on job status, the preponderance of men and women fall in the lowest or unskilled job classification. Overall, women fared somewhat better than their husbands on higher job status, with 35.71% working in clerical, sales, or higher level jobs. The complete breakdown is as follows:

TABLE (10)

PARENTS OF DELINQUENTS JOB STATUS

OCCUPATIONAL RATING	MEN	WOMEN
UNSKILLED	37.29%	50.00%
SEMI-SKILLED	13.56%	7.14%
SKILLED MANUAL	23.73%	7.14%
CLERICAL, SALES	3.39%	27.38%
ADMIN.	16.95%	2.38%
BUS. MAN, LESSER PROF.	5.08%	5.95%
PROF.	0.00%	0.00%

[9]

*Scale adapted from Hollingshead Two Factor Index of Soc. Pos. (1957)

The average income for the study families is about $9,796.00. This puts a family of five at a substandard level of existence, according to Federal poverty guidelines. Blacks averaged $6,854.00, placing the typical Black family in the poverty level of life. Hispanics fared little better, at $8,919.00. Expectedly, Anglos did better, averaging about $16,795.00. However, even among the Anglos subset, 34% fell into the poverty range, while 47% could be considered substandard or below in their level of economic life.

Educational, occupation and economic information indicates that parents of delinquents tend to be ill prepared to successfully raise and manage a family. Such responsibilities are difficult when one is wondering where the next dollar is coming from, or whether or not a job will be found.

A further indication of family difficulty is the high rate of marital separation and breakup. 34.52% of parents are divorced, while 35.71% of the families are broken by separation or the death of one or both parents. Just 29.76% of the families are intact. In most instances (47.73%) the delinquents' mother has primary responsibility for the juvenile. Natural fathers have primary responsibility in just 6.82% of the instances. Various other arrangements not necessarily including either parent of a broken home account for about 22.73%.

To summarize briefly at this point, many of the previously described developmental problems of the delinquents are matched and exacerbated by the often depressed and troubled home environments, where there is too little money, too many mouths to feed and, often, the absence of one or both parents.

Parents were asked to described their delinquent children in a word or two, to get a spontaneous sense of their feelings towards their children. Most parents (50.00%) described their children in positive terms; only 14.51% used clearly negative or derogatory terms. The balance of the parents responded in a factual, neutral or ambivalent manner.

TABLE (11)

Specific responses were as follows:

POSITIVE RESPONSES (50.00%)	FACTUAL, NEUTRAL OR AMBIVALENT RESPONSES (35.48%)	NEGATIVE RESPONSES (14.51%)
Good (12)	Alright	Lazy
Outgoing	Independent	Too Smart
Nice (2)	Unpredictable	Tempermental
Considerate	Competitive	Nuisance
Smart	Aggressive	Domineering
Loveable (3)	Hyper	Obnoxious
Fine (2)	A fantasizer	Terrible
Happy	O.K.	Belligerent
Wonderful	Slow (3)	Dishonest
Normal (2)	Troubled (3)	
Fair (2)	Confused (2)	
Generous	Unhappy	
Noble	Angry	
Sensitive	Insecure	
	Immature	
	Emotional	
	Hard to Control	

This clearly subjective procedures does, nevertheless, indicate that parents can articulate positive attitudes towards their children during difficult times. The results seem to indicate that parents are not blind or indifferent to their children's troubles.

SECTION VII

The following brief case studies were selected as representative of the findings of the study. The names, of course, are fictitious for reasons of confidentiality. The circumstances are those at the time of Project testing.

CASE I

NAME: Johnny B.

AGE: 17 Years

SEX: Male

RACE/ETHNITY: Black

CHARGE: Strong Arm Robbery

Johnny comes from a family of seven. His mother struggles to e. n a living doing domestic work for middle class families. She sees what they have

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and wishes she could provide better for her own children. Her husband is prematurely dead from a heart attack. Johnny has been without a father for most of his life.

This is not the first time in Court for Johnny. He has a history of assaults and theft, mostly from people in his own poor neighborhood.

Johnny's future is bleak He is of borderline (between normal and retarded) intelligence. He can't read or write very well, not enough to scan a newspaper for jobs or fill out employment applications. He has a hard time getting up in the morning. He has learned that the easiest way to get some money is to steal it. The worst that can happen he says is: "A thirty day turnaround at State School", meaning he will get out quickly if he behaves himself.

What does he want to do with his life? Right now, holding some reefer (marijuana) and some money will do him just fine. He doesn't seem to believe anything else now is possible.

CASE II

NAME: Linda S.

AGE: 16 Years

SEX: Female

RACE/ETHNITY: Anglo

CHARGE: Shoplifting

Linda's mother is working on her third marriage. Linda hever knew her natural father; her first stepfather had a penchant for beating her and her mother up when he drank. Linda's mother is optimistic about her new marriage her husband is gentle and responsible and treats her well. She has a new job as a bank teller. Her husband, Joe, and Linda do not get along, however, and Linda moved in with her boyfriend the day mom got married. Linda is in court for trying to shoplift some clothes.

Linda has average intelligence and can read and write well enough although she does have more potential that would have been realized if she hadn't dropped out of school. She says she want to be an airline stewardess someday. Right now, she is content to live with her boyfriend, an occassional carpenter. Linda says her mother is O.K., but has no right to tell her how to live. Linda's mother is about to accept the situation, since she feels she cannot reason with, or control her daughter.

CASE III

NAME: Tom C.

AGE: 16 Years

SEX: Male

RACE/ETHNITY: Anglo

CHARGE: Burglary

Tom C. lives in a tense and depressed family situation. His mother and father want to get divorced, but their money problems force them to share the same bed. His mother is emotionally disturbed and takes medication when she can afford it. His dad parks cars on Miami Beach. There is little at home to make him want to be there, and he prefers to bum around most days rather than go to school.

This is Tom's second time in court. As with the first time, this was for burglary, and impulsive act undertaken at the urging of his eighteen year old 'buddy', who is currently awaiting trial at the Dade County Jail.

Tom says he want to get away from home, maybe to to the Job Corp to learn welding. He is going to ask his Youth Counselor about it in court. Tom is of average intelligence and could make it in Job Corp if he had the chance and the motivation. Tom's father, a nervous man who seems concerned, agrees that some good training away from an unhappy home might be the best thing.

CASE IV

NAME: Carlos C.

AGE: 16 Years

SEX: Male

RACE/ETHNITY: Cuban

CHARGE: Car theft, Manslaughter

Carlos doesn't belong here (in court) his mother says. He is a good boy who made a mistake. Carlos stole a car and accidently hit and killed a pedestrian while riding in it. Carlos and his family (two sisters and a brother) are close knit. He is the only one who has been in trouble and he feels ashamed in front of his father. Mrs. C. speaks little english and keeps house. His father drives a taxi from the airport. Carlos goes to school and barely makes average grades. He brags about his older brother, who is in College, but seems content in wanting to drive a taxi, like his father. Carlos says he will never do anything like this again. He hangs his head and begins to cry.

SECTION VIII

SOME QUESTIONS & IMPLICATIONS OF THE STUDY

We hope that the results of our study can be put to direct and meaningful use for the good of children and our community. The authors do not presume to have answers for the problems we have identified in relation to delinquents, however, we offer the following questions which have resulted from our work in the hope that those best able to answer them can and will do so:

1. Understanding and correcting the inability of delinquents to understand moral concepts is of paramount importance if we are to successfully prevent and treat juvenile delinquency. First and foremost, more investigation is necessary to understand the factors which promote skills of moral reasoning as children develop. Additional investigation should also be undertaken to measure the Moral Development Scales' ability to predict delinquent behavior. Can such systematic testing and research be done through the Dade County Public School System?[5] Such testing might eventually help identify children who are "at risk" for anti-social or delinquent behavior and provide for early intervention services.

2. Should an advocacy agency (such as Legal Services or the Center for Children and Youth, etc.) consider investigating the results of court dispositions, related to delinquents' educational and mental health needs? Documentation as to the failure of the juvenile correctional system to effectively provide for educational and mental health services could provide the basis for a class action remedy to be sought in the Federal Courts, pursuant to Public Law 94-142 and constitutional guarantees.

3. Should an Individual Educational Plan(IEP) be made available by the Dade County School Board to the courts for all case dispositions involving handicapped juveniles?

4. Should the Dade County Public School System consider offering systematic vocational preparation and training for academically lagging children during junior high school? Since junior high level children are attitudinally more accessible and legally bound to attend school, such early training could help prevent the development of anti-social behavior emanating from academic failure and the "dropping out" common to the high school setting. From a practical standpoint, might such early intervention provide three additional years to "turn around" the falling student and help him or her develop practical, job-related and income-providing skills? If

so, it is important, of course, that such a program not supplant a regular academic program, nor divert the situational underachiever from attaining his or her true potential.

5. Should systematic mental health and academic screening of delinquents be undertaken via orders from Judges on a case-by-case basis? Such screening could be tied into the development of an Individual Educational Plan so that delinquents' related mental health and educational needs could be met, pursuant to Public Law 94.142. Screening could be implemented though use of easily administered diagnostic instruments such as the Moral Development Scale and the Developmental Screening Quick Test. [10]

6. Should State and County governments maintain and increase funding for family violence services, including battered women's shelters and family violence treatment programs? Can the State's Youth Services and Social and Economic Services Program Offices expand attempts to identify violent families and provide needed services through formal links with appropriate services?

7. Because of the high levels of family violence and its connection with alcohol use, and evidence that such behavior is intergenerational, should the Courts consider referring delinquent children to classes dealing with family violence and substance abuse whenever evidence exists regarding such abuse? Should classes providing information on family planning also be made available to offenders?

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APPENDICES

NOTES

[1]The Juvenile Offender Survey Project was born out of Judge Gladstone's desire to document and disseminate information on the real needs and problems of delinquents who come before him in the Circuit Family Division Court. Because of the many people who lent their time and support to the Project, its cost (about $15,000.00) was about one tenth of what it might have cost in a traditional research institution.

[2]The actual total number of families involved in the study was 104. Four parents were interviewed without their children, who had run-away, were ill or otherwise unable to participate in the interviews. The questions on family violence were added after the study was underway and were asked of fifty-two families.

[3]It should be pointed out that the backgrounds, philosophies and decisions of judges, assistant state attorneys, public defenders and other court workers differ, sometimes markedly, and probably have an effect on the final outcomes of cases. Thus the characterisitics of the 'official delinquent' population (that is, those found to be delinquent by a Family Division Circuit Judge) may vary somewhat from court-room to courtroom. This might be the basis of an interesting study.

[4]The unsocialized personality is characterized by thought processes and behaviors which are like those of a very young child (under the age of seven). Thus, the unsocialized juvenile looks at the world and social situations only in terms of 'me'. Unsocialized juveniles typically are unable to understand how other people might be affected by another person's behavior. They also have difficulty understanding many social situations and have not developed the 'inner control' which could help them tolerate frustration and anger without becoming physically violent or unmanagable. Unsocialized personalities can result from emotionally and materially barren environments where this are poor parental skills and economic poverty.

Sociopathic personalities are those where there is a mal-adaptive pattern of life, but no feelings of discomfort or anxiety. Sociopaths are often described as those who commit heinous acts (such as murder) with no feelings of guilt.

Major emotional disturbances are defined as those resulting from deficiencies or weaknesses in a child's personality or emotional life. For instance, a child with a distorted self concept may often feel and be rejected by others, causing some degree of loss of contact with reality or the real world.

Minor emotional disturbances are situational and usually transient. For instance, a juvenile's anti-social or delinquent behavior might be a reaction to the loss of a parent through death, separation or divorce.

[5]We recognize, of course, that the introduction of such testing would have to be done with the understanding and cooperation of parents or guardians.

[6]When the Moral Development Scale was administered to the general school age population, an interesting finding that Black children from the lower socio-economic classes show the same shift from lower level to higher level moral reasoning as middle class children, but that the shift is at a slightly older age (nine or ten years of age). Perhaps this is due to environmental factors. A comprehensive paper on moral development and the juvenile justice system was presented by the authors at the 1980 Orthopsychiatric Conference.

[7]As cited in Time Magazine, July 9, 1979, Page 55, this study by Straus, et al, indicated that about sixteen percent of the general population is involved in 'violent confrontation' between spouses each year. See references for the full citation on this work.

[8]A significant study by the Honorable Seymour Gelber, Family Division, Eleventh Judicial Circuit documents and details types of crimes by racial/

ethnic, sex and age groups and need not be repeated here. The full citation may be found in the reference section.

[9]On the question indicated, scaling based on the Hollingshead Two Factor Index of Social Position (1957) was used as follows:

The Occupational Score is the number to the left of the Occupational Category.

1 Unskilled employees
2 Machine Operators and semi-skilled employees
3 Skilled Manual Employees
4 Clerical and sales workers, Technicians and owners of little businesses
5 Administrative personnel, small independent businesses and minor professionals
6 Business managers, proprietors of medium sized concerns and lesser professional
7 Higher executives, proprietors of large concerns and major professionals

Please refer to the Hollingshead publication for more detailed information regarding the scaling. Please note that for the purposes of this instrument, the scaling scores have been reversed.

[10]The Developmental Screening Quick Test was developed in cooperation between the Juvenile Court Mental Health Clinic and the University of Miami Mailman Center for Child Development and gives a quick, valid, and reliable indication as to intellectual and learning problems of children. See the reference section for the full citation.

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Senator SPECTER. We will now turn to panel No. 4, Prof. Marvin Wolfgang, Commissioner Paul Strasburg, and Dr. Jerome Miller.

Professor Wolfgang, welcome to the Juvenile Justice Subcommittee. You bring to this panel a very distinguished career in academia, research, and understanding of the violent criminal and the criminal justice system as it applies to both adults and to juveniles, from a distinguished institution, the University of Pennsylvania and a distinguished city, if I may say so, the city of Philadelphia, and a very distinguished State.

We welcome you here, a long-standing colleague, a friend of mine. We are pleased to see you this afternoon to hear your testimony.

STATEMENT OF MARVIN WOLFGANG, PROFESSOR OF SOCIOLOGY AND LAWS, UNIVERSITY OF PENNSYLVANIA

Professor WOLFGANG. Thank you, Senator Specter. I am pleased to be here. My testimony in writing, which includes 15 tables, will be on record so I shall try to summarize very briefly what I consider to be the main points.

Senator SPECTER. Yes, Professor Wolfgang, we shall make your very fine statement a part of the record in full, and if you would summarize it, that would be preferable.

Professor WOLFGANG. I am coming from a less glamorous posture than some of my predecessors at these hearings. Partially to make a pun, I agree with those comments that have been made that the problems of delinquency very much need to be addressed by the community. I represent another kind of community, the research community. I think that research community continues to say that there are many questions that have not yet been resolved, issues that need to be examined, and programs that need to be evaluated.

I will concentrate in this statement on two of the studies that we have been doing at the University of Pennsylvania for over a decade. I refer to our longitudinal birth cohort studies. "Birth cohort," a term that we have borrowed from demography, refers to a group of persons born in the same year who have been followed through successive years. "Longitudinal," means that we have followed the life careers of groups—only boys in our first study and both boys and girls in our currect study.

In 1972, we published Delinquency in a Birth Cohort, which involved approximately 10,000 boys born in 1945 who lived in Philadelphia at least between the ages of 10 and 18. One of the main reasons that we chose this kind of research was to answer a particular question—namely, what is the probability of a young person having at least one official police contact before reaching the age of 18. We had only speculations and simulated models to try to answer that question previously, and there had been no such longitudinal study in the field of crime and delinquency in the United States until then.

The answer, quite simply, was a probability of 35 percent of the 10,000 boys had at least one police arrest for offenses other than simple traffic violations. This was much higher than most of us expected. Most of my colleagues had anticipated approximately 10 percent or less. That particular study pointed out to us what has been said here repeatedly, that the most significant amount of

violence is committed by a significantly small number of boys—that is, the chronic offenders.

A chronic offender is defined as one who has had at least five official arrests prior to reaching age 18. Only 6 percent of the entire birth cohort of 10,000 males represented our chronic offenders, and they were responsible for well over 50 percent of all the offenses, for 75 percent of the rapes, 60 percent of the aggravated assaults, and so forth.

We have undertaken a new birth cohort study, this time of males and females born in 1958 who again satisfied our criterion of living in Philadelphia at least from ages 10 to 18. We now have 28,300 subjects, and half of these are females. These 28,300 subjects have committed slightly over 20,000 offenses before reaching age 18. I shall not go into any of the specific details by race or sex, but again shall summarize only in terms of the violent offenses.

We found that the percentage of chronic offenders in this second cohort was slightly higher, about 7.5 percent; but again, the chronic offenders have far and away the greatest share of offenses, particularly serious violations. They committed 69 percent of what are called index offenses in the FBI crime reports.

Senator SPECTER. How large is that group of chronic offenders, Professor Wolfgang, how large a percentage commit 69 percent of the serious offenses?

Professor WOLFGANG. About 7.5 percent of the entire cohort. I have to check my table for the numbers.

Senator SPECTER. If it is convenient, fine. If not, we can check it in the table ourselves, Professor.

Professor WOLFGANG. It is about 1,000 chronic offenders.

Senator SPECTER. Thank you.

Professor WOLFGANG. They are responsible for a little over 60 percent of the murders, 76 percent of the rapes, 73 percent of the robberies, 65 percent of the aggravated assaults, and 66 percent of all the injury offenses.

Senator SPECTER. Are burglaries included as serious offenses there?

Professor WOLFGANG. They are not included here; I have just robberies.

Senator SPECTER. Thank you.

Professor WOLFGANG. In short, about 9 percent of the 13,800 boys and about 2 percent of the 14,500 girls in the cohort committed a violent offense that resulted in injury to a victim some time in their careers up to age 18. Males are much more violent than females, as we all know; but we now have available that degree of precision and specificity.

Finally, we are constantly concerned with violent recidivism—that is, given an offender has committed one injury offense during his or her career, what is the chance that he or she will commit at least one additional injury offense before reaching age 18?

The probability of committing a second injury offense is 18 percent for a white male, 38 percent for a nonwhite male, 5 percent for a white female, and 11 percent for a nonwhite female. But we can go even farther than that and can be specific about the probabilities of going on to a third offense, a fourth offense, and so forth.

Senator SPECTER. Do your studies show anything by way of insights as to how to prevent the occurrence of the subsequent offense?

Professor WOLFGANG. No, not this particular study. But the probabilities that a male will go on to a third, a fourth, and a fifth offense increase from about 42 to 57 percent. The chance of committing that fifth violent offense, having committed the fourth, is around 57 percent.

The increase in those probabilities suggests something we have known before, that the best way to predict future behavior is to examine past behavior. The probability of committing a violent offense in the future increases with the number of violent offenses that one has committed in the past. Our data indicate that boys who were born in 1958 and reached their 18th birthday in 1976 were a more violent cohort than their urban brothers born in 1945 who turned 18 in 1963.

Senator SPECTER. There has been some testimony about the effect of the media. Do you have any research data or, if not, judgment on that subject as it may have shifted on those two studies as to chronology?

Professor WOLFGANG. It is a good working hypothesis, But we have no data from this particular study. Perhaps we will when we interview our second cohort at age 25. My own experience as research director of the National Violence Commission under Milton Eisenhower suggests that there is a very contradictory, inconsistent conclusion to be drawn from analysis of the effects of television violence in the real world.

Senator SPECTER. Do you have an opinion, beyond the contradictory statistical conclusions?

Professor WOLFGANG. My opinion—if I keep my posture as a research scholar—would be a hypothesis that holding social class constant, the longer one is exposed as a young child, to violent displays in the television world and other kinds of media, the higher the probabilities are that will have an augmented aggressivity in his personality. Recent research in England by Professor Benson has shown that studying children over time rather than simply a one-shot affair; that is, simply looking at the laboratory behavior of children, studying them over a period of 5 years—indicates a conclusion quite similar to mine.

The first birth cohort, born in 1945, had a probability of .35 for at least one delinquency. The second birth cohort's is about .33, almost identical. But our more recent group is more delinquent in general and has engaged in more injurious behaviors. They are more violently recidivistic and commit many more serious offenses before age 18. They start their injury offenses earlier, age 13, and continue longer. We suspect that once we start examining their offenses by grading the seriousness of each component of the criminal event, this present cohort will show an average seriousness score that is much higher than the earlier cohort.

Senator SPECTER. How do you account for the change?

Professor WOLFGANG. That is another problem, Senator, that I have to account for. I would welcome the opportunity to examine the question of causation, but I think the only way we that we can

do that with the rich material that we have in the longitudinal study is to take a random sample and interview them.

Senator SPECTER. Professor Wolfgang, we have to bring into closer synchronization the evidentiary base with which we form legislative judgments, and the evidentiary base with which research sciences form their conclusions.

You might not be too comfortable in the U.S. Senate voting on a number of measures, given the factors to guide your vote. I am impressed with your studies, but I have a sense that there are some good value judgments that you might add of your own perhaps, if pressed, for the reason of the shift on the years' differences.

Professor WOLFGANG. I am willing to exercise some of those. I do not think I can improve on some of the statements that have been made already about the reduction in the degrees of supervision and discipline of a family or of family surrogates. I am not indicting the broken family here, and I am not indicting single parentage.

Senator SPECTER. Professor Wolfgang, if we were to move away from the statistical studies which are set forth in the record and get some of your personal observations, obviously only to the extent you feel comfortable in making them, you have been in the field of study of crime and crime patterns for many, many years.

If pressed to specify the root causes of juvenile crime, what would you say?

Professor WOLFGANG. That is a pressing question. I would begin with the family, where many other people begin. And I am still inclined to think that my late colleagues at Harvard, Eleanor and Sheldon Glueck, as criticized as they have been for a lot of their methodological errors and deficiencies, nonetheless spoke eloquently about what they called the "under the roof culture." their reference to the degrees of supervision, discipline, and affection that exist in that culture and between the parents and the children.

Senator SPECTER. Is there any way, realistically, that society or the juvenile court can deal with those family deficiencies?

Professor WOLFGANG. That is difficult. The Federal Government cannot legislate love; I have said this on other occasions. The most that a Federal Government or perhaps even a State government can do as far as the criminal justice system is concerned is to improve that system; make it more efficient; make it as humane as possible.

Senator SPECTER. Moving away from the family deficiencies, what else would you summarize as key causative factors on juvenile crime?

Professor WOLFGANG. I cannot leave the family influences entirely because of the inadequacies of the learning process, child development, and socialization; they are still very important. They come not only from the family, but from educational experiences and from one's peers.

I think that the economic and other institutional forces of society that continue to maintain what I call a "subculture of violence" still exist. So long as there is a set of forces, economic and institutional, that keep in a kind of socially oppressed fashion and at great disadvantage a large portion of a population in urban communities that has an allegiance to the use and value of violence as

a limited repertoire of response to conflict situations, we pass on from one generation to the other the acceptability of physically aggressive behavior.

I disagree with the comment made here earlier that was attributed to Karl Menninger, namely, that America loves violence. I think, in general, that the dominant culture in American society and in Western civilization is nonviolent and places a high premium on the reduction of violence or the exclusion of violence in parent-child relationships, family interactions and other kinds of personal interactions.

Senator SPECTER. Professor Wolfgang, in a brief period of time because we are running late, would you summarize the other key conclusions that you would like to leave with the subcommittee, please?

Professor WOLFGANG. In both cohort 1 and ohort 2—though we have just begun to explore cohort 2—approximately 47 percent of the persons who had an official arrest with the police stopped after the first offense—that is, they did not go on to a second. About 38 percent stopped after the second offense about 29 percent stopped after the third. We call this desistance. The desistance rate remains stable after the third offense all the way up to the 15th offense.

This suggests to us that if there is to be a major social intervention policy with limited funds, limited time, and limited talents. We should focus those funds, time, and talents on the third-time offender. We are, in effect, wasting a lot of our time and energy within juvenile justice by doing much with the first offender.

The psychiatric term is a kind of spontaneous remission. A remission occurs no matter what we do. That is one conclusion. The other—and I would mention the relatively small number of violent offenders—relative to social intervention and efforts to incapacitate criminally violent persons. I conclude, on the basis of the statistical quantitative evidence, that juvenile careers should surely be taken into consideration as we march into adulthood.

Our data indicate that the chronic offender is notable both in terms of his small proportion of all delinquents and because he is primarily a violent offender. A criminal justice policy or practice that permits an 18-year-old offender to start adulthood with a virgin or first offense, thereby ignoring, in particular, his violent offense career as a juvenile is a system that is not adequately protecting us.

Senator SPECTER. You think it is a bad value judgment to shield those under 18 from their conduct as they are evaluated as adult offenders post-18?

Professor WOLFGANG. Would I shield them?

Senator SPECTER. Yes, do you think it is a bad idea to shield them?

Professor WOLFGANG. I do.

Senator SPECTER. Professor Wolfgang, thank you very much. We certainly appreciate your being here and we have examined your statement and shall study it further, and doubtless shall be in touch with you further.

[The prepared statement of Marvin E. Wolfgang follows:]

PREPARED STATEMENT OF MARVIN E. WOLFGANG

INTRODUCTION

Delinquency in a Birth Cohort (Wolfgang, Figlio and Sellin, 1972) remains the only large-scale birth cohort study undertaken in the United States based upon a generalizable population. The delinquency careers of all boys born in 1945 who lived in Philadelphia from their tenth to their eighteenth birthdays were analyzed and parametric estimates of their offense rates and probabilities computed. It is important to note that this study developed baseline cohort rates from a data source unlike any other previously investigated in this country: first offense probabilities, recidivism (especially chronic repeaters) and offense switching rates; offense severity escalation; age at onset and offense accumulation, disposition probabilities and subsequent offense behavior. All of these statistics and others can be estimated validly only from longitudinal, preferably cohort, data.

Because the cohort study is unique and, as yet, unduplicated, the major objective of our 1958 cohort study is a complete replication of the 1945 Philadelphia birth cohort study. In general, we wish to establish essentially the same set of parametric estimates as developed in the previous study to determine the "cohort effects" on delinquent behavior of growing up in the 1960s and 1970s, compared to those activities expressed by a cohort some thirteen years earlier. For example, we intend to determine the differences (if any) which the data will exhibit between the two cohorts in such areas as: delinquency rates, correlates of delinquency, first and subsequent offense probabilities, age at onset of delinquency and offense accumulation, relative seriousness of offenses, offender typologies, offense switching probabilities, disposition rates, incapacitation effects and propitious intervention points.

The Cohort I and II data sets contain more than ample cases for fruitful comparative analyses. The Cohort I data contain: 9945 subjects (7043 whites and 2902 nonwhites); 3475 delinquents (2017 whites and 1458 nonwhites); and a total of 10,214 offenses (4458 by whites and 5756 by nonwhites). In comparison, the Cohort II study is much larger, reflects a much more even racial distribution and includes females. The 1958 data include: 28,338 subjects (6587 white males and 7224 nonwhite males; 6943 white females and 7584 nonwhite females); 6545 delinquents (1523 white males and 2984 nonwhite males;

644 white females and 1394 nonwhite females); and a total of 20,089 offenses (4306 by white males and 11,713 by nonwhite males; 1196 by white females and 2874 by nonwhite females).

Although our analysis of the 1958 birth cohort data is yet to be completed, we report below some preliminary findings relative to some crucial dimensions of delinquent behavior.

PREVALENCE

Tables 1 and 2 display the number and percentage (of cohort group) of delinquents by frequency category and race for males and females respectively. These data reveal the impact of race on delinquency status for both sexes. Table 1 indicates that nonwhite males have a higher prevalence of offenders overall (41.3% vs. 23.1%) and in terms of the various offender subsets. The differences are most striking in terms of the recidivist category where 26.1 percent of the nonwhites, compared to 11.1 percent of the whites, may be so classified. The discrepancy is maintained when the prevalence of recidivists is separated into non-chronic (i.e., from 2 to 4 offenses) and chronic (i.e., 5 or more offenses) offenders. Table 2 reveals similar comparisons for females. Nonwhites again have a higher prevalence of delinquency overall and for the various groupings of offender status. The most striking difference is found among recidivists, particularly the chronics, with a nonwhite prevalence three times that of white.

Although interesting, the data of the first two tables portray prevalence as a function of the number of subjects in each subgroup as the denominator. It is far more instructive to examine delinquency status types with the delinquent group as the base of the percentages. These results are displayed in Tables 3 and 4. Table 3 shows that, when compared to white males, nonwhite delinquents constitute a much lower proportion of one-time offenders (36.8% vs. 51.9%) and a higher proportion of both types of recidivists with the larger differential for the chronic group (26.5% vs. 15.7%). Similarly, among recidivists, a much higher proportion of nonwhite delinquents (42.0% vs. 32.7%) than whites could be classified as very frequent offenders. Table 4 indicates that, although the proportion of female delinquents that are classified as recidivist is lower than that of males, racial differences persist. Among

delinquents, nonwhite females are less often one-time offenders and more often chronic recidivists.

INCIDENCE

Tables 5 and 6 report the frequency and race-specific offense rates (i.e., number of offenses divided by the number of subjects times the constant, 1000) for select offenses for males and females respectively. These data indicate a pronounced race differential for both sexes; both overall and for the select offenses, nonwhites have much higher offense rates. For example, nonwhite males have an offense rate for the select offenses which is more than three times higher than the white male rate and, overall, the rate of the former is two and one-half times higher than the latter. Further, the rate differentials are most pronounced with respect to the serious assaultive offenses. When compared to the white male rate, the nonwhite rate is higher by a factor of 11 for homicide, 10 for rape, 11 for robbery and 4 for aggravated assault. The data reported in Table 6 show that the race differential in offense rates applies to females as well. The nonwhite rate is at least two times higher for the select offenses and for all offenses, and is considerably higher for the serious assaultive crimes.

Because offense rates ignore the number of offenders who are actually responsible for the criminal behavior, it is necessary to report the incidence data specifically for the offender base of each group. Thus, Tables 7 and 8 display the frequencies and mean number of offenses by race for each of the sexes.

Table 7 shows that, with only one exception (burglary/arson), nonwhite males have a higher mean number of offenses than whites for all of the offense groups. This finding is observed whether offenses are grouped according to Uniform Crime Reports (UCR) crime categories or classified according to the Sellin-Wolfgang system (1964) which ignores legal labels and scores events in terms of their injury, theft, damage (or combination) and nonindex particulars. In contrast, Table 8 demonstrates that, although the mean number of offenses for nonwhite females is higher for most categories, the exceptions are noteworthy. That is, for the serious assaultive charges and the offenses that were scored as injury by the Sellin-Wolfgang scale, the nonwhite and white female scores are very similar.

Another interesting pattern is found with respect to the age at onset of delinquency (Tables 9 and 10). Nonwhite males begin their juvenile careers earlier than do whites. Although the differential is but one year (15 vs. 16) for all offenses considered together, nonwhite males begin their serious and violent offenses at least two years earlier than whites. However, the reverse is true for females (Table 10). White females begin offending, in general, one year earlier, and commit index offenses two years earlier than nonwhite females. For violent and injury offenses, the age at onset is identical by race, but is at least two years earlier than it is for white males.

DELINQUENT SUBGROUPS

Although useful in some respects, the prevalence and incidence data reported above do not allow a precise comparison of the delinquent behavior across the designated subgroups. That is, comparing just the proportions of delinquents ignores the important factor of the quantity of delinquent behavior. Likewise, relying solely on the incidence of offenses obscures the issue of how many delinquents are responsible for the violations of the groups. In order to remedy this problem, we also report offense data as a function of various delinquent types (Tables 11 through 14).

Table 11 demonstrates, as expected, that the chronic recidivists are responsible for the majority of offenses committed by males. Their share of delinquency is about one-half for white males and nearly two-thirds for nonwhite males. Excluding one-time offenders reveals even more substantial results. For offenses committed by recidivists, white male chronics are responsible for 62.4 percent and nonwhite chronics for 71.4 percent. Recalling the prevalence data reported in Table 3, we see that white male chronics constitute just 32.7 percent of white delinquents while nonwhite chronics represent 42 percent of nonwhite delinquents. It is obvious that a minority of delinquents are responsible for the majority of crimes.

Table 12, however, does not produce this effect for females. Here the chronic recidivists are responsible for a minority of the offenses for both races. The non-chronic recidivist is responsible for most offenses—about 42 percent for each race. Thus, for females the chronic offender category does not produce the volume of offenses for which it is responsible among males.

The examination of serious offense categories fails to alter this finding. Table 13 indicates the profound effect which chronic recidivists have on delinquency among males. For both races, chronic offenders have far and away the greatest share of offenses, particularly the more serious violations. For example, chronics committed 68.5 percent of the index offenses: 60.7 percent of the murders, 76.2 percent of the rapes, 73.4 percent of the robberies, 65 percent of the aggravated assaults and 66.4 percent of the injury offenses. Once again, however, this degree of responsibility is not exhibited for female chronic offenders. Table 14 shows that the non-chronic recidivists equal if not exceed the chronics in the proportions of almost all the categories examined (the notable exception is homicide).

VIOLENT DELINQUENCY

Because the problem of juvenile violence appears to be of great concern to researchers and to policy-makers, it seems useful to bring together some of the previous data relative to violent offenders.

We know that 1167 males, or about 8.5 percent of the 13,811 boys in the cohort, and 280 females, or about 1.9 percent of the 14,527 girls in the cohort, committed a violent offense resulting in injury to a victim. However, more instructive is the fact that these assaultive offenders represent about 26 percent of all male offenders (N=4507) and about 14 percent of all female offenders (N=2038). Yet only 13 percent of the males and 5 percent of the females were officially charged by the police with UCR index offenses representative of violence. Hence, by a careful scrutiny of offense descriptions, we note that there are approximately twice the number of male and female offenders who actually inflict bodily injury on their victims than the official crime code labels indicate. It should be noted, therefore, that because the 1958 birth cohort study does not depend on just the legal labels attached to behaviors, it is able to render more informed classifications of various offender and offense types.

The chance that a cohort subject will commit a violent offense, or can be designated as a violent offender, differs by race and sex. The probability that a nonwhite boy will be violent (12.4%) is three times higher than the chances for a white boy (4.1%). The probabilities for females are lower

than for males but maintain the same racial differential, with nonwhite females being three times more likely than white females (2.9% vs. .88%). It is more instructive to examine the probabilities for the delinquents across these groups. The probability that a nonwhite male delinquent will be criminally violent at least once during his career is .3009 compared to the probability of .1766 for a white male delinquent. Similarly, for females: nonwhite female delinquents (.1571) are more likely than white female delinquents (.0947) to have committed at least one violent offense during their delinquent careers.

Within this context, we have been especially concerned about the probability of violent recidivism. That is, given that an offender has committed one injury offense during his/her career, what is the chance that he/she will commit at least one additional injury offense at some time before age 18? The answer is 18.2 percent if a white male, 38.1 percent if a nonwhite male, 4.9 percent if a white female and 10.9 percent if a nonwhite female. But we can be even more specific about the probabilities of going from a first to a second injury offense, from a second to a third and so forth out to at least six violent offenses for males and five violent offenses for females. These data are shown in Table 15. For males, the probabilities of violent recidivism steadily increase from .4297 (for the chance of three, given two) to .5676 (for the probability of at least six, given five). For females, the probabilities also show a high probability of a fourth or a fifth violent offense.

COHORT CONTINUITIES

In addition to the 1958 cohort data reported above, a few observations are in order relative to the differences between the 1945 and 1958 cohorts. Our data indicate that boys who were born in 1958 and reached their eighteenth birthday in 1976 were a more violent cohort than their urban brothers born in 1945 and who turned eighteen in 1963. The former enter delinquency in about the same proportion (32.6%) as the latter (34.9%), but the more recent group is more delinquent in general and has engaged in more injurious behaviors. They are more violently recidivistic and commit more index offenses before reaching age eighteen. They start their injury offenses earlier (age 13 as compared to age 14) and continue longer. We suspect that when we examine violent offenses according to our system of grading the seriousness of each

criminal event, the present cohort will be shown to have average seriousness scores that are much higher than the earlier cohort. Again, although just about the same proportion of males get into some kind of trouble with the law, the trouble they get into is more violent and more frequent, thus with more harm inflicted on the community.

Finally, relative to social intervention and efforts to incapacitate criminally violent persons, juvenile careers should surely be taken into consideration. Our data indicate that the chronic offender is notable both in terms of his/her small proportion of all delinquents and in his/her overwhelming share of delinquencies. Thus, a criminal justice policy or practice that permits an eighteen-year-old offender to start adulthood with a virgin or first offense, thereby ignoring an offense—particularly a violent offense—career as a juvenile, is not adequately providing proper social protection.

TABLE 1

NUMBER AND PERCENTAGE (OF COHORT GROUP) OF DELINQUENTS BY FREQUENCY CATEGORY AND RACE

(MALES)

	White		Nonwhite		All	
Category	N	%	N	%	N	%
Subjects	6587	-	7224	-	13811	-
Nondelinquent	5064	76.9	4240	58.7	9304	67.4
Delinquent	1523	23.1	2984	41.3	4507	32.6
Delinquents	1523	-	2984	-	4507	-
One-time	791	12.0	1099	15.2	1890	13.7
Recidivist	732	11.1	1885	26.1	2617	18.9
Recidivists	732	-	1885	-	2617	-
Non-chronic	493	7.5	1094	15.1	1587	11.4
Chronic	239	3.6	791	10.9	1030	7.5

TABLE 2

NUMBER AND PERCENTAGE (OF COHORT GROUP) OF DELINQUENTS BY FREQUENCY CATEGORY AND RACE

(FEMALES)

	White		Nonwhite		All	
Category	N	%	N	%	N	%
Subjects	6943	-	7584	-	14527	-
Nondelinquent	6299	90.7	6190	81.6	12489	85.9
Delinquent	644	9.3	1394	18.4	2038	14.1
Delinquents	644	-	1394	-	2038	-
One-time	411	5.9	804	10.6	1215	8.4
Recidivist	233	3.4	590	7.8	823	5.7
Recidivists	233	-	590	-	823	-
Non-chronic	197	2.8	471	6.2	668	4.6
Chronic	36	0.5	119	1.6	155	1.1

TABLE 3

NUMBER AND PERCENTAGE (OF SPECIFIC DELINQUENT GROUP) OF DELINQUENTS BY FREQUENCY CATEGORY AND RACE

(MALES)

	White		Nonwhite		All	
Category	N	%	N	%	N	%
Delinquents	1523	-	2984	-	4507	-
One-time	791	51.9	1099	36.8	1890	41.9
Non-chronic recidivist	493	32.4	1094	36.7	1587	35.2
Chronic recidivist	239	15.7	791	26.5	1030	22.9
Recidivists	732	-	1885	-	2617	-
Non-chronic recidivist	493	67.3	1094	58.0	1587	10.6
Chronic recidivist	239	32.7	791	42.0	1030	39.4

TABLE 4

NUMBER AND PERCENTAGE (OF SPECIFIC DELINQUENT GROUP) OF DELINQUENTS BY FREQUENCY CATEGORY AND RACE

(FEMALES)

Category	White N	White %	Nonwhite N	Nonwhite %	All N	All %
Delinquents	644	-	1394	-	2038	-
One-time	411	63.8	804	57.7	1215	59.6
Non-chronic recidivist	197	30.6	471	33.8	668	32.8
Chronic recidivist	36	5.6	119	8.5	155	7.6
Recidivists	233	-	590	-	823	-
Non-chronic recidivist	197	84.6	471	79.8	668	81.2
Chronic recidivist	36	15.4	119	20.2	155	18.8

TABLE 5

NUMBER AND RATE OF SELECT OFFENSES BY RACE

(MALES)

Offense	White N	White Rate/ 1000	Nonwhite N	Nonwhite Rate/ 1000	All N	All Rate/ 1000
Homicide	4	.6	52	7.2	56	4.1
Rape	9	1.4	96	13.3	105	7.6
Robbery	103	15.6	1223	169.3	1326	96.0
Agg. Assault	117	17.8	459	63.5	576	41.7
Burglary	454	68.9	1342	185.8	1796	130.0
Larceny	406	61.1	1353	187.3	1759	127.4
Auto Theft	193	29.3	472	65.3	665	48.2
Other Assaults	217	32.9	521	72.1	738	53.4
Arson	18	2.7	26	3.6	44	3.2
Weapons	77	11.7	398	55.1	475	34.4
Narcotics	263	39.9	474	65.6	737	53.4
Total of above	1861	282.5	6416	888.2	8277	599.3
Total of all offenses	4306	653.7	11713	1621.4	16019	1159.9

TABLE 6

NUMBER AND RATE OF SELECT OFFENSES BY RACE

(FEMALES)

	White		Nonwhite		All	
Offense	N	Rate/ 1000	N	Rate/ 1000	N	Rate/ 1000
Homicide	1	.1	4	.5	5	.3
Rape	1	.1	1	.1	2	.1
Robbery	4	.6	38	5.0	42	2.9
Agg. Assault	18	2.6	91	11.9	109	7.5
Burglary	21	3.0	35	4.6	56	3.9
Larceny	109	15.7	414	54.6	523	36.0
Auto Theft	8	1.2	16	2.1	24	1.7
Other Assaults	55	7.9	159	20.9	214	14.7
Arson	2	.3	5	.7	7	.5
Weapons	2	.3	22	2.9	24	1.7
Narcotics	45	6.5	58	7.6	103	7.1
Total of above	266	38.3	843	111.2	1109	76.3
Total of all offenses	1196	172.3	2874	379.1	4070	280.2

TABLE 7

NUMBER OF OFFENDERS AND FREQUENCY AND MEAN NUMBER OF OFFENSES FOR SELECT OFFENSE GROUPS BY RACE

(MALES)

	White			Nonwhite			All		
Category	Offenders	Offenses	Mean	Offenders	Offenses	Mean	Offenders	Offenses	Mean
All offenses	1523	4306	2.82	2984	11713	3.92	4507	16019	3.55
UCR index offenses	615	1304	2.12	1854	5023	2.70	2469	6327	2.56
UCR non-index offenses	1324	3002	2.26	2502	6690	2.67	3826	9692	2.53
Murder, Rape, Agg. Assault	117	130	1.11	459	607	1.32	576	737	1.27
Robbery	86	103	1.19	737	1223	1.65	823	1326	1.61
Burglary, Arson	275	472	1.71	806	1368	1.69	1081	1840	1.70
Larceny, Auto Theft	381	599	1.57	1044	1825	1.74	1425	2424	1.70
Sellin-Wolfgang injury	221	268	1.21	674	970	1.43	895	1238	1.38
Sellin-Wolfgang theft	337	520	1.54	1192	2191	1.83	1529	2711	1.77
Sellin-Wolfgang damage	345	477	1.38	759	1078	1.42	1104	1555	1 40
Sellin-Wolfgang combination	254	389	1.53	806	1385	1.71	1060	1774	1.67
Sellin-Wolfgang non-index	1225	2652	2.16	2379	6089	2.55	3604	8741	2.42

TABLE I

NUMBER OF OFFENDERS AND FREQUENCY AND MEAN NUMBER OF OFFENSES FOR SELECT OFFENSE GROUPS BY RACE

(FEMALES)

	White			Nonwhite			All		
Category	Offenders	Offenses	Mean	Offenders	Offenses	Mean	Offenders	Offenses	Mean
All offenses	644	1196	1.85	1394	2874	2.06	2038	4070	1.99
UCR Index offenses	130	164	1.26	455	604	1.33	585	768	1.31
UCR non-Index offenses	582	1032	1.77	1186	2270	1.91	1768	3302	1.86
Murder, Rape, Agg. Assault	19	20	1.05	88	96	1.09	107	116	1.08
Robbery	4	5	1.00	36	38	1.06	40	42	1.05
Burglary, Arson	18	23	1.28	39	40	1.03	57	63	1.10
Larceny, Auto Theft	101	117	1.16	341	430	1.26	442	547	1.23
Sellin-Wolfgang injury	51	54	1.06	189	210	1.11	240	264	1.10
Sellin-Wolfgang theft	93	112	1.20	341	417	1.22	434	529	1.21
Sellin-Wolfgang damage	34	37	1.09	49	53	1.08	83	90	1.08
Sellin-Wolfgang combination	22	25	1.14	61	71	1.63	83	96	1.15
Sellin-Wolfgang non-Index	555	968	1.74	1114	2123	1.91	1669	3091	1.85

TABLE 9

NUMBER OF OFFENDERS, MODAL AGE OF ONSET, AND PERCENTAGE WITH MODAL AGE FOR SELECT OFFENSES BY RACE

(MALES)

	White			Nonwhite			All		
Offense	N	Age	%	N	Age	%	N	Age	%
All offenses	1523	16	20.8	2984	15	16.3	4507	16	17.8
UCR Index	615	15	17.4	1854	13	17.9	2469	13	16.8
UCR violent	184	15	16.8	980	13	19.3	1164	13	18.4
Sellin-Wolfgang injury	269	16	20.4	898	13	19.7	1167	13	18.3

TABLE 10

NUMBER OF OFFENDERS, MODAL AGE OF ONSET, AND PERCENTAGE WITH MODAL AGE FOR SELECT OFFENSES BY RACE

(FEMALES)

	White			Nonwhite			All		
Offense	N	Age	%	N	Age	%	N	Age	%
All offenses	644	15	21.4	1394	16	20.7	2038	16	21.0
UCR Index	130	14	18.5	455	16	20.2	585	16	18.8
UCR violent	22	13	27.3	120	13	20.0	142	13	21.1
Sellin-Wolfgang injury	61	13	29.5	219	13	22.4	280	13	23.9

TABLE 11

NUMBER AND PERCENTAGE OF OFFENSES
BY DELINQUENCY CATEGORY AND RACE

(MALES)

	White		Nonwhite		All	
Category	N	%	N	%	N	%
Delinquents	4306	-	11713	-	16019	-
One-time	791	18.4	1099	9.4	1890	11.8
Non-chronic recidivist	1322	30.7	3036	25.9	4358	27.2
Chronic recidivist	2193	50.9	7578	64.7	9771	61.0
Recidivists	3515	-	10614	-	14129	-
Non-chronic recidivist	1322	37.6	3036	28.6	4358	30.8
Chronic recidivist	2193	62.4	7578	71.4	9771	69.2

TABLE 12

NUMBER AND PERCENTAGE OF OFFENSES
BY DELINQUENCY CATEGORY AND RACE

(FEMALES)

	White		Nonwhite		All	
Category	N	%	N	%	N	%
Delinquents	1196	-	2874	-	4070	-
One-time	411	34.4	804	28.0	1215	29.9
Non-chronic recidivist	506	42.3	1213	42.2	1719	42.2
Chronic recidivist	279	23.3	857	29.8	1136	27.9
Recidivists	785	-	2070	-	2855	-
Non-chronic recidivist	506	64.5	1213	58.6	1719	60.2
Chronic recidivist	279	35.5	857	35.5	1136	39.8

TABLE 13

NUMBER AND PERCENTAGE OF SELECT OFFENSES FOR DELINQUENT GROUPS BY RACE

(MALES)

	White				Nonwhite				All			
Offense	One-Time	Non-Chronic Recidivist	Chronic Recidivist	Total	One-Time	Non-Chronic Recidivist	Chronic Recidivist	Total	One-Time	Non-Chronic Recidivist	Chronic Recidivist	Total
All	791	1322	2193	4306	1099	3036	7578	11713	1890	4358	9771	16019
	18.37	30.70	50.93		9.38	25.92	64.70		11.80	27.21	61.00	
Index	173	330	801	1304	374	115	3534	5023	547	1445	4335	6327
	13.27	25.31	61.43		7.45	22.20	70.36		8.65	22.84	68.52	
Non-Index	618	992	1392	3002	725	1921	4044	6690	1343	2913	5436	9692
	20.59	33.04	46.37		10.84	28.71	60.45		13.86	30.06	56.09	
Murder	0	2	2	4	7	13	32	52	7	15	34	56
	0.00	50.00	50.00		13.46	25.00	61.54		12.50	26.79	60.71	
Rape	1	3	5	9	5	16	75	96	6	19	80	105
	11.11	33.33	55.56		5.21	16.67	78.13		5.71	18.10	76.19	
Robbery	8	30	65	103	74	241	908	1223	82	271	973	1326
	7.77	29.13	63.11		6.05	19.71	74.24		6.18	20.44	73.38	
Agg. Assault	18	39	60	117	34	111	314	459	52	150	374	576
	15.38	33.33	51.28		7.41	24.18	68.41		9.03	26.04	64.93	
Injury	51	121	171	343	114	362	1107	1583	165	483	1278	1926
	14.87	35.28	49.85		7.20	22.87	69.93		8.57	25.08	66.36	

TABLE 14

NUMBER AND PERCENTAGE OF SELECT OFFENSES FOR DELINQUENT GROUPS BY RACE

(FEMALES)

	White				Nonwhite				All			
Offense	One-Time	Non-Chronic Recidivist	Chronic Recidivist	Total	One-Time	Non-Chronic Recidivist	Chronic Recidivist	Total	One-Time	Non-Chronic Recidivist	Chronic Recidivist	Total
All	411 34.36	506 42.31	279 23.33	1196	804 27.97	1213 42.21	857 29.82	2874	1215 29.85	1719 42.24	1136 27.91	4070
Index	58 35.37	63 38.41	43 26.22	164	185 30.63	253 41.89	166 27.48	604	243 31.64	316 41.15	209 27.21	768
Non-Index	353 34.21	443 42.93	236 22.87	1032	619 27.27	960 42.29	691 30.44	2270	972 29.44	1403 42.49	927 28.07	3302
Murder	0 0.00	1 100.00	0 0.00	1	1 25.00	0 0.00	3 75.00	4	1 20.00	1 20.00	3 60.00	5
Rape	0 0.00	1 100.00	0 0.00	1	0 0.00	0 0.00	1 100.00	1	0 0.00	1 50.00	1 50.00	2
Robbery	0 0.00	1 25.00	3 75.00	4	2 5.26	20 52.63	16 42.11	38	2 4.76	21 50.00	19 45.24	42
Agg. Assault	8 44.44	4 22.22	6 33.33	18	29 31.87	44 48.35	18 19.78	91	37 33.94	48 44.04	24 22.02	109
Injury	25 37.88	26 39.39	15 22.73	66	75 30.00	111 44.40	64 25.60	250	100 31.65	137 43.35	79 25.00	316

TABLE 15

PROBABILITY OF COMMITING ONE OR MORE
VIOLENT OFFENSES BY RACE AND SEX

	Males			Females		
Offense Number	Nonwhites	Whites	All Offenders	Nonwhites	Whites	All Offenders
1	.3009	.1766	.2589	.1571	.0947	.1374
2	.3808	.1822	.3350	.1096	.0492	.0964
3	.4532	.2653	.4297	.1250	.3333	.1666
4	.4387	.5385	.4464	.6666	1.0000	.3333
5	.5294	.1429	.4933	1.0000	-	.6666
6	.5555	1.0000	.5676	-	-	-

Senator SPECTER. Next, I would like to call upon Commissioner Paul Strasburg, who is the commissioner of the department of juvenile justice of New York City.

Mr. Strasburg, welcome. You are our second witness after Mr. Curtis Sliwa, from New York City. We look forward to your testimony.

STATEMENT OF PAUL STRASBURG, COMMISSIONER, DEPARTMENT OF JUVENILE JUSTICE, NEW YORK, N.Y.

Mr. STRASBURG. Thank you. I disagree with Mr. Sliwa that New York City is the "most criminally infested" city in the United States.

Senator SPECTER. Do you have a nominee?

Mr. STRASBURG. No, I do not. But it is true, as he said, too, that our problem of violence in New York City is very heavily, probably disproportionately, a problem with juvenile violence and needs to be addressed.

I agree with much of what has been said to you this morning and I will not repeat it. You will find it in my testimony.

To summarize, family problems, lack of job opportunities, educational deficiencies, and the general social environment of our inner cities are clearly what is causing the violence that we now see, and increasing the amount of violence as Professor Wolfgang has just testified.

I do not believe there are any quick solutions to these kinds of problems. On the other hand, I do believe in quick action, and I think there are some things that you, Senator, and the other members of this committee, and the Senate as a whole can do pretty quickly to deal constructively with the problems described today.

I pointed out five areas in my written testimony. I only want to touch on three of them now. I will not dwell on the question of research, which I think does deserve support. You ought to keep people like Professor Wolfgang in business because they are enlightening us in ways we would never otherwise be enlightened.

I also want to join the judge in extending thanks to you on behalf of the juvenile justice community, for your personal effort in trying to keep the funding of OJJDP, alive.

I will not dwell on questions of family policy either, because you will get all kinds of testimony on that. I would like to talk about three things.

AID TO CITIES

The first is what I call aid to cities, which is not a popular topic in Washington, D.C., these days, but I think it is a critical one. The cities are the center of the problem of juvenile violence in the country, probably because the social structure and the family structure we have been talking about today have broken down most radically there.

The cities are also extremely hard pressed financially to provide the kinds of social services and supports that families, schools, and other infrastructure elements require.

New York City has been through a very rough fiscal period, as everybody knows. We are coming out of it, but we are not out of it

altogether. At the same time, other cities—Cleveland, Boston, and many others—are right on the verge of developing such problems.

The same kinds of structural breakdown affect the lives of juveniles in those cities as we have in New York. If the Senate and the House, the Congress as a whole, wants to do anything constructive about the problem of juvenile violence, it cannot turn its back on what is happening to families in our cities.

Let me mention two areas in which action can be taken now. The major damage has probably already been done in the budget process and probably cannot be quickly or easily repaired. But there still are, I think, opportunities to make adjustments in the budget process that will have a critical impact on the lives of children who otherwise will become violent delinquents.

I think you should make every effort that you can to preserve categorical funding for programs that are directed at the particular age group that has been described today. In particular, I would single out categorical assistance for child welfare services in the Social Security Act; for foster care in the Social Security Act, and for the Run-Away and Homeless Youth Act.

I would hope that you, Senator, and the other members of this panel, would do everything you possibly can to preserve, for example, the Run-Away and Homeless Youth Act. If that disappears, programs like a very well-known one in New York City, "Under 21," which are doing a remarkable job in rescuing children dragged into prostitution and other kinds of criminal behavior that frequently result in complete destruction of their lives, will disappear; there is no question about it.

Senator SPECTER. Do you think they will disappear if we go to the block-grant concept?

Mr. STRASBURG. I do, because I do not think that this age group is going to compete effectively for block-grant moneys with the elderly, the very young, and the other categorical groups that are being folded into that.

I think the political pressures for the support of these other programs are going to be stronger than the political pressures for the support of juvenile programs, and they need to be preserved.

Second, there are still differences between what is recommended in the House and what is being recommended in the Senate in terms of funding levels for various programs. I would urge that you and the staff here examine each program carefully for its impact on the troubled youths who are likely to become violent youths, and support more funding for good programs in this area.

Let me just give you one example. The House version of the funding level for title IV(a) of CETA, which refers to youth employment and training, would provide 2,000 more jobs for New York City children from the Senate version. We have to recognize that both the House and Senate versions are providing much lower levels of funding than there was before, but the difference between the House and Senate versions is not a trivial amount of employment when you are talking about poor, unemployed youths in the inner city.

I think that consideration has to be given to that kind of impact.

Second, on a second front, the Senate has before it Senator Dole's Criminal Justice Construction Reform Act. I would urge you to support that fully. It deserves support. But I would urge you particularly to give emphasis to the construction of new juvenile detention and treatment facilities. They are desperately needed.

Most of the detention facilities with which I am familiar were designed and built a long time ago. They are much too large, and they were never really designed with the violent kind of offender in mind that they are now being asked to house.

I think, however, that it would be a serious mistake to build more detention and treatment facilities. That is not what is needed. What is needed is better detention and treatment facilities.

I would urge you not to augment the numbers of secure detention beds that are now available, but to improve the ones that are there, principally by making them smaller. I would put limitations on the size of any facility that could be built to bring those new facilities into line with the national standards that have been developed.

Senator SPECTER. What size do you recommend?

Mr. STRASBURG. Well, the national standards talk about building secure facilities that are no larger than 20 or 30 beds. As an ideal that is appropriate, but it is completely unrealistic for a city like New York. It would mean we would have to find 15 or so sites, places in the city of New York, where we could put a secure detention facility. We will never do it. Communities will not let us do it.

But I would not go above a maximum of 60 beds per facility. The one we have in New York City now is 250 beds. It is totally unmanageable. All it does is breed the kind of violence you had described for you today.

With a 60-bed facility there are still opportunities, architecturally, to design it in such a way that it has some of the benefits of a smaller facility.

Senator SPECTER. What are the key aspects, beside size, of the detention facilities, in your judgment?

Mr. STRASBURG. The critical aspect is bringing large numbers of adults into contact regularly, constantly, with the children in the facility, and not design them in such a way that children are isolated into groups of children with a few supervisors looking after them.

Senator SPECTER. How do you accomplish the adult interchange?

Mr. STRASBURG. Senator, I would be glad to share with you a plan that we have, developed by an architectural firm in New York City, which I think accomplishes it remarkably.

Basically, it puts the children in the center of the facility rather than on the extremities, and puts the social support services all around them and forces the staff, if they are going to get from the front door to their office, to go by the children all the time.

Senator SPECTER. We would be pleased to see the details.

Mr. STRASBURG. Good, I will be glad to send it to you.

GUN CONTROL

Finally, let me just make a plea for some form—a beginning if nothing more—of Federal gun control. In New York City a very strange situation has developed as the result of an effort, a good-faith effort, to stem drug traffic.

New York has probably the harshest drug-enforcement laws in the United States. But those drug-enforcement laws apply to adults, basically. The harsh sentences will be applied to adults.

As a result, that law has become what I consider to be one of the most effective youth employment initiatives of the 1970's. Drug dealers are using 13,- 14,- and 15-year-olds to run their drugs and do their dealing for them, because they are not subject to the same penalties—and I do not advocate making 13, and 14, and 15-year olds subject to those harsher penalties.

But as a side effect of that law, they are arming those children in order to protect the drugs that they are delivering, and those children are using those guns. There are over a million hand guns available in the city of New York and many of them are getting into the hands of children.

Children that age do not know—and no one can convince me that they know—how to use a weapon of that kind.

Nothing is going to stop it except some sort of strict gun control—whether it is the Kennedy-Rodino bill or some version of that, I am not qualified to comment on. But I do think that the Senate really needs to turn its attention to that problem.

Senator SPECTER. Thank you very much, Mr. Strasburg, for your very interesting and enlightening testimony.

Could you just give us a word or two about your own background, your age, your educational background?

Mr. STRASBURG. I am 38 years old. I am a lapsed researcher from the same discipline that Mr. Wolfgang is. I have done studies on violent delinquents, most of which are just poor imitations of Professor Wolfgang's studies, I have to say.

But I am now, and since 1979 have been, the Commissioner of the New York City Department of Juvenile Justice. My responsibility is to operate all of the detention facilities in the city of New York for juveniles, which are now principally filled with violent juveniles.

Senator SPECTER. What is your educational background?

Mr. STRASBURG. I have a bachelor's degree in history. I have 1 year of law school, which I found to my distaste and left. I have a master's degree in public policy from the Woodrow Wilson School at Princeton.

Senator SPECTER. Thank you very much.

[The prepared statement of Paul Strasburg follows:]

PREPARED STATEMENT OF PAUL A. STRASBURG

Mr. Chairman, members of the Committee:

I want to thank you for the opportunity to share with you some thoughts on the subject of juvenile violence. My experience in this subject has been almost exclusively with the delinquent population of the New York City area, first through a study of juvenile violence which I conducted for the Vera Institute of Justice, and since 1979 as Commissioner of the New York City Department of Juvenile Justice, which is the agency responsible for detaining juveniles prior to trial.

I speak, therefore, primarily as a New Yorker--admittedly a limited perspective on this problem but one which I hope will be useful to you.

New York is the nation's leading city in many wonderful ways. It also has a widespread and unfortunate reputation as the nation's leading center of crime. I am happy to say that the reputation is undeserved: New York ranks only ninth in reported serious crime among all major cities.[1] Regrettably, our crime problem is more heavily a juvenile problem than it is elsewhere.

One-eighth of all juvenile arrests for serious crime in the country occur in New York City. The arrest rate for serious crimes committed by juveniles ages 15 or younger in New York City is approximately four times the national average. More than 15% of violent offenses in New York are attributed to juveniles, compared to less than 10% nationwide.[2]

As best we can tell from the limited and unreliable data available, the situation is not improving. In fact, it is becoming progressively worse. Census statistics show that juveniles are a smaller proportion of our population each year. It is also true that--for reasons not well understood--the overall juvenile arrest rate is dropping. But the good news ends there. The juvenile arrest rate for serious and violent offenses is on the rise.

In New York City, the juvenile arrest rate for serious and violent crimes rose 81% (from 8.0 to 14.5 per thousand population) between 1970 and 1978. The arrest rate for juveniles rose 50% for violent crimes in that period.[3]

Even though juvenile delinquency may be receding somewhat, violence by juveniles is in full flood.

Statistics alone don't convey a complete picture of this phenomenon. Detention administrators I have talked to, not just in New York but throughout the country, are virtually unanimous in their opinion that delinquents today are more ruthless, more remorseless, and more criminally sophisticated than in previous years.

It must be emphasized, however, that most children who break the law are not violent. In spite of the increase in violent crime, the number of truly dangerous juveniles remains quite small--I would say well under 10% of those who are arrested. Yet this small pool does seem to be growing more violent with each passing year.

I wish I could tell you exactly why this is happening, but I can't. And I doubt that anyone else knows the reason with sufficient precision and certainty. However, I would like to point out a few things that I am reasonably sure are not the root causes.

--It isn't that our laws aren't tough enough. New York State has the severest criminal penalties for juveniles in the country. Sixteen-year-olds are treated as adults regardless of their crimes. Fourteen and fifteen-year-olds charged with serious felonies are treated initially as adults and are sent back to juvenile court only if the prosecutor and judge, after examining the facts, agree that it is appropriate. Thirteen-year-olds can be--and have been--given life sentences for murder.

While our sentencing laws have more than enough muscle, our courts are severely debilitated by lack of resources.

It takes our criminal courts six months or more to try a juvenile on a serious charge. Many young defendants languish in detention with little constructive help during this period. Our Family Courts, unable to deal with the enormous caseload before them, cycle children in and out numerous times before finally holding them accountable for their behavior. The message transmitted to our delinquent children by these pathetic processes is destructive. The law does little to stop them or help them until it is too late, which can only reinforce the social factors producing violence.

--Drug use by young people is not a root cause of violence, either. By all accounts I have heard, drug use by juveniles is decreasing. Heroin use is rare in New York today compared to five or ten years ago, when the infirmary in our detention center was routinely filled with children detoxifying. Drug trafficking is a different story, however. Involvement in drug trafficking is certainly an important undercurrent in some of the juvenile violence occurring today. New York State's harsh drug law, which mandates stiff prison terms for convicted adults, has turned out to be one of the more successful youth employment initiatives of the seventies. I am told that a 14- or 15-year-old can earn up to $600 a day carrying drugs for his adult masters. He will also be armed by them to protect the merchandise, and may well use his weapon in the less than prudent manner characteristic of adolescents.

--Violence is not caused by gang behavior per se. While growing gang violence is reported in cities like Los Angeles and Chicago, the same has not been true in New York. Gangs exist, of course, but most are not organized with violent crime as a central theme,

and most juvenile violence is not related to gang activity. Still, violence is rising.

If I had to name a cause for the increase in juvenile violence, I would--knowing it was most unscientific--point to the breakdown of structure in the lives of children.

By structure, I mean the family. In 1960, one in ten New York City children lived in a single-parent household. In 1979, the figure was one in three. Nearly half of our city's minority children are being raised by women alone.[4] This is not exclusively a big-city phenomenon; the Census Bureau reports that single-parent families are on the increase throughout the country. At the same time, close ties to extended family networks are disappearing rapidly. Since half of New York's single-parent families live below the poverty level, it is not difficult to understand the relevance of this trend. Raising a child in a two-parent household is difficult enough. For a woman alone with no money and no external supports, the stress of raising and supporting a family can be unbearable. Now it appears that New York City is going to lose perhaps a hundred day care centers as a result of federal cutbacks, and the financial squeeze on families with dependent children will get even tighter.

By structure, I also mean the structure provided by a job and a steady income. Minority teenagers in New York suffer an employment rate of more than 50%. Reductions in federal support for job training and summer employment programs are going to make their situation even more hopeless.

By structure, I mean the structure of the schoolroom. More than 150,000 children are truant from New York's schools on any given day,[5] and the resource-starved schools have abandoned the effort to get them back. Half of all children entering the City's high schools drop out before they graduate.[6] Here, again, cuts in federal assistance are going to further weaken the supports schools are able to offer desperate families and children.

By structure, I mean finally the presence of other governmental services in the community. Our police force has been severely cut back. After-school recreation programs, once the backbone of leisure activity and a source of strong adult presence in the lives of millions of young people, are all but extinct.

The ultimate symbol of governmental authority in the lives of children is the Juvenile or Family Court. It, too, is in disarray, as I have noted. Overwhelmed by the volume of cases it receives, at the mercy of private voluntary agencies for services (which are usually denied in the most serious cases), judges are forced to delay, postpone, and ultimately abandon cases in wholesale numbers. In New York City, fewer than 15% of delinquency petitions result in a finding of "guilt."[7] The meaning of justice may be lost to the children who pass through this system, but the so-called "bottom line" is not. They learn quickly that they have little to fear--or gain--from it.

With the family crumbling, jobs out of reach, schools failing and the government in retreat, a huge void is developing in children's lives. It is often filled by peers who are equally vulnerable, impressionable and confused about life. Even more tragically, the void is also being filled by adult criminals who offer children comfort, prestige and unbelievable sums of money to peddle drugs, set fire to buildings, prostitute themselves and even to commit murder.

In my view, this Committee is faced with two basic questions:

--Should the federal government do anything about the problem of the serious and violent juvenile offender?

--If so, what?

My answer to the first question would be an unequivocal "yes." The federal government <u>should</u> join states and localities in combating juvenile violence.

It should do so because violence by juveniles is eroding the morale and confidence of citizens across the nation. They are confused and angry about the general lack of respect for authority and the rejection of social values they perceive among our youth, but they are genuinely shocked and frightened by government's failure to prevent youth violence.

The problem cries out for federal attention because the inability of state and local governments to make headway against it is weakening the entire structure of the juvenile justice system. More and more states are throwing up their hands and sending children to the adult criminal justice system, as if better answers can be found there, where "rehabilitation" is a word few dare employ any longer.

The problem is appropriate for federal intervention because, stubborn and challenging though it is, there is reason to be optimistic that it can be contained. While violent juvenile offenders are a serious threat, they are not a large segment of the juvenile population or even a large segment of the delinquent population. Consequently, the size of this problem is not beyond the reach of a reasonable effort.

The question of what the federal government should do to combat juvenile violence is much more complex. Principal responsibility for fighting crime has always rested with state and local authorities. Moreover, we are obviously entering an era of reduced federal involvement in funding and directing services at the state and local level. Even so, some things need to be done that will only be done on an adequate scale by the federal government. I would like to mention five.

New facilities: First, and most parochially, I urge you to give favorable consideration to Senator Dole's Corrections Construction Reform Act, but with two special emphases.

First, I hope that particular attention will be given to rebuilding the nation's juvenile detention and treatment centers, and that adequate funding will be allocated to the task.

Second, I would hope that funding would be tailored so that the mistakes of the past are not repeated. Specifically, funds should not be used to duplicate or expand the large congregate facilities now in use. Modern, humanely designed detention and treatment facilities are essential if a juvenile's first encounter with a correctional environment is to have a constructive impact on his future behavior. But every national study that has been done of juvenile facilities has concluded that they can be humane and constructive only if they are strictly limited in size.

Consequently, federal assistance should be available only to construct facilities that conform to size limitations set out by national standards. I would also urge that such subsidies be used only to replace, not to augment, the large facilities that exist today.

Research and demonstration projects: Among the critical resources lacking in the fight against juvenile violence, knowledge is the one in shortest supply. The federal government can't tell the states what to do about the problem, because no one knows for sure.

States and cities, bogged down in the very costly day-to-day struggle to operate juvenile justice systems, cannot afford to support basic research that might help develop some of the answers needed to make the systems more effective. Here is a highly appropriate role for the federal government.

I strongly support the movement to refund the Office of Juvenile Justice and Delinquency Prevention which seems, finally, to be nearing reality. I also support the direction that OJJDP has taken recently in putting more emphasis on research and demonstration in the area of serious juvenile crime.

In refunding OJJDP, Congress should make provision for long-term funding of both research and demonstration projects. By long-term, I mean a minimum of three to five years. No

serious research into patterns of delinquent behavior or causes of violence can be completed in less time than that, and pausing annually to request new funds only drains vital energy from the task at hand. Similarly, demonstration projects cannot have significant results in less than three years and will require at least two or three years more to prove their impact.

Aid to cities: The problems I described in New York are by no means unique; they are endemic to large urban areas across the country. Statistics clearly demonstrate that the problem of juvenile violence is most acute in large cities.

New York has fought its way out of a precarious financial situation over the past six years and is still not completely out of the woods. Many other large cities are only now beginning to face the fiscal problems New York has experienced. If we are truly serious about having a major impact on juvenile crime, we cannot turn our backs on the social service needs of the cities which they will not be able to meet on their own.

It may be too late to repair the major damage that has been done in the budget process, but there is still time to make adjustments that will limit the negative impact of cuts in areas that are vital to the needs of youth.

--Wherever possible, categorical funding for programs aimed at troubled youth should be retained. In particular, child welfare services, adoption assistance and foster care, and the Runaway and Homeless Youth Act should be funded separately, and not consolidated into a Social Services Block Grant where they would most likely not compete strongly with assistance to other age groups.

--When faced with a choice of two funding levels for youth programs in the budget reconciliation process, Congress should support the higher level. For example, the House proposal for funding the Youth Employment and Training Program (Title IV-A) would provide

approximately 2,000 more jobs to New York City youth than the Senate version. These 2,000 jobs are by no means trivial in the fight against juvenile crime.

Support for families: Society's first and last line of defense against the ravages of uncivilized youth is the family. The simple truth is that we have no effective substitute for it. But family life in this country is obviously in deep trouble, from which it will not soon or easily be saved.

There appears to be growing support in this country for a national policy toward families. If such a policy is to be effective in stemming juvenile crime and violence, it must offer incentives to states to provide economic and social supports to beleaguered low-income and single-parent families. This policy must be supportive rather than intrusive--it must not restrict the rights of parents to determine the size of their families or the rights of children to learn about alternatives to single-parenthood. Above all, it must not deny parents access to resources that will enable them to stay together, to work outside the home, and to feed, clothe, and house their children properly.

Implementing such a policy would require a tremendous commitment of resources, but these are resources that will be required tomorrow to support neglected children and build more prisons if greater attention is not paid to the needs of families today.

Gun control: Finally, I cannot plead strongly enough for federal gun control legislation. In the conditions that exist in our inner cities today, it is foolish to pretend that readily available pistols will not somehow find their way into the hands of youth, and absurd to believe that they will be responsibly used by these angry, confused adolescents. Gun control legislation is not a cure-all for youth violence, but it is absolutely essential if we expect to contain the worst consequences of that violence.

FOOTNOTES

[1] Leonard Buder, "Crime Index for New York City 60% Over Nation's for Six Months," The New York Times, December 7, 1980.

[2] Trude W. Lash et al., State of the Child: New York City II, Foundation For Child Development, New York, 1980, p. 141.

[3] Ibid., p. 300.

[4] Ibid., p. 45.

[5] Ibid., p. 105.

[6] Ibid., p. 111.

[7] Paul A. Strasburg, Violent Delinquents: A Report To the Ford Foundation From the Vera Institute of Justice, Monarch Publications, New York, 1978, p. 98.

Senator SPECTER. We now turn to Dr. Jerome Miller, who is the Director of the National Center on Institutions and Alternatives, Washington, D.C.

Dr. Miller, we welcome you here. I would personally appreciate it if you would begin with a recitation of your own background, something which I find useful in evaluating testimony.

STATEMENT OF JEROME MILLER, DIRECTOR, NATIONAL CENTER ON INSTITUTIONS AND ALTERNATIVES, WASHINGTON, D.C.

Mr. MILLER. I am presently heading a nonprofit group in Washington—we do research and technical assistance—called the National Center on Institutions and Alternatives.

Previous to that, I was Commissioner of Children and Youths for Governor Shapp in Pennsylvania. Before that, I was on the Cabinet of Governor Walker in Illinois as Director of the State Department of Children and Family Services. Before that, I was Commissioner of Youth for the State of Massachusetts for Governor Sargent. I headed the youth corrections agency for that State.

Before that, I taught as an associate professor at Ohio State; and before that, for 10 years, I was a psychiatric social worker in the U.S. Air Force in this country and in Europe.

Senator SPECTER. Very impressive. What is your educational background?

Mr. MILLER. I have a doctorate in social work from Catholic University here in Washington.

Senator SPECTER. Very impressive, indeed. I welcome you especially as a part-time Pennsylvanian.

Mr. MILLER. Thank you, Senator Specter. I will try to be very brief and summarize my testimony.

I wanted to make one point with reference to the Office of Juvenile Justice and Delinquency Prevention and their emphasis initialy upon the so-called status offender, or the runaway truant or incorrigible child.

It is my feeling that that was a misplaced emphasis which has in fact, resulted in the neglect of, and in many cases punitive laws directed toward, the true delinquent. That is, a distinction has been made between the deserving delinquent who is more likely to be a middle-class white delinquent, the status offender, versus the so-called undeserving delinquent, or the true delinquent, who is more likely to be minority; more likely to have been involved in nonstatus offenses.

I think as a result of that emphasis upon the status offender we have ended up with a system of care in the juvenile justice system which is as patently racist and virtually irrelevant to juvenile crime as the kinds of crime which concern the average citizen.

It seems to me very important that focus be brought back to serious juvenile crime, to violent juvenile crime that concerns people, and it seems to me that the resources, the limited resources, should be directed to those deeper into the system. I do not agree with those who suggest we need more money in prevention or more money at the early part of the delinquent career and all of that.

Senator SPECTER. How do you respond to Professor Wolfgang's recommendation that you should deal with the third offender?

Mr. MILLER. I think that is a very good recommendation because then we have someone into the system, someone clearly defined as delinquent. He is talking about a third violent offense as well. I think it is a very good recommendation.

Senator SPECTER. At what age does that strike in your experience?

Mr. MILLER. Does it strike where?

Senator SPECTER. Age wise, what age group would that pick up?

Mr. MILLER. In my experience somewhere between 15 and 16, but Professor Wolfgang, I am sure, would have it more specifically. I would think about in that range. Most kids come into the system at 13 and 14. Those, in particular, they are going on to a career.

I think it is very important, the work of this committee and particularly hearings like this that concentrate on the more serious offender. The medical triage model of dealing with those who are most treatable, who have the highest success rate, and brushing off those who are lost is social disaster in the area of criminology and juvenile crime, because we cannot brush them off, they come

back—unless we are willing to lock people up forever from their teens on, and we are not going to do that, I hope, ever in this society.

So that we have a responsibility to deal with those problems. They will return to haunt us. So that I think it is very important we do that.

I think it was a shame that the Office of Juvenile Justice did not make that their initial focus because as a result, I think, millions of dollars have been spent on programs with very little return and no obvious effect anywhere on crime rates, or on lessening violence, or on juvenile delinquency rates.

I think had they done this, incidentally, that the status offender problems would have taken care of themselves. To the degree that programs are focused deeper into the system, to the degree that one can deal decently, humanely and effectively, for example, with a burglar, to that degree we automatically deal decently with the truant or run-away.

The reverse, however, is not true. If we do decent, good, effective things for truants it has almost no relevance to the burglar. So, the deeper one can penetrate this system in terms of effective and new programs, to that degree they will automatically affect lesser offenders.

A quick example in Massachusetts. When we closed the State reform schools for bona fide delinquents, there were three reform schools for truants run by the counties. There had been calls for them to be closed for the last 100 years and they had never been closed.

They closed almost of their own weight. In fact, one of the Senators here, Senator Tsongas, was at that time a county commissioner and was able to campaign on a platform of closing them because in fact they were an anomaly. If we were not incarcerating burglars at that time, with no risk to public safety, why would we incarcerate truants?

So that I feel that if we can move into the deeper end of the system we will get more "bang for the buck."

Senator SPECTER. Dr. Miller, what do you offer, in a nutshell, as your recommendation? Perhaps that is what you are coming to.

Mr. MILLER. Yes. I would like to make just a few comments about violent juvenile crime if I might, Senator.

Senator SPECTER. Of course.

Mr. MILLER. There are a number of myths about violent juvenile crime. I think one particularly that should be brought to light is that the issue, or the phenomenon of juvenile violent crime, is not out of synch or disproportionate to violent crime generally among adults. There is no burgeoning explosion of juvenile crime which is different from an explosion of adult crime.

While arrests for juveniles for index crimes increased by 5½ times from 1964 to 1979, arrests of adults increased by 3 times. It is true that while youths under age 18 comprise 14 percent of the population and make up 25 percent of those arrested for violent crime, this was as true in 1964 as it is today.

The Academy for Contemporary Problems in Columbus, Ohio, has been doing a number of studies. They are presently doing a study that will conclude that though 1979 and 1980 will show some

increase in serious crimes nationally, there is no evidence whatsoever of a disproportionate rise in juvenile crimes. I just wanted to make that particular point. The juvenile crime issue is not a specific thing separate from the adult crime issue.

Therefore, I think when those who say we should begin to treat juveniles as adults because the juvenile system is not working, they need to look closely at their own adult system which is working even worse. And to suggest that we move juveniles into that system as a means of dealing with the burgeoning juvenile crime rate is to move them into a system which is burgeoning a bit more in terms of violent crime.

Obviously, adult handling through imprisonment and even mandatory sentences, as California is showing, and other strategans currently invoked, can in no case be shown to have lowered crime rates. Certainly, I am not aware of any study and I do not know of any. I talked with Cy Dinitz yesterday about this and he is certainly not aware of one either, Dr. Dinitz being the researcher at the Academy for temporary problems.

Now, clearly, there are a small number of youngsters who commit a disproportionate amount of crime. The problem is identifying them. Even given Dr. Wolfgang's approach, it still is not dramatically better than tossing a coin as to who one is going to identify as going to commit the next violent offense. There are false positives in choosing one individual.

In other words, if you had 10 individuals in a room and you were to predict which are going to commit a serious crime and you wanted to lock that person up, you would have to lock up—even given five previous offenses—you would have to lock up four of them inaccurately. It is a little better than tossing a coin, but not much better.

Senator SPECTER. So, what do you suggest?

Mr. MILLER. I suggest that not be the criteria.

Senator SPECTER. That the number of offenses not be a criteria?

Mr. MILLER. Oh, no, I do not mean that. What I suggest is that we do incapacitate people who have broken the law and have shown by their behavior that their freedom needs to be denied. I have no quarrel with that, just on the basis of having been convicted of violent crime.

I do have a quarrel with locking people up, for instance, as earlier testimony indicated, on the basis of a psychological test. I think that presents major problems. I think someone who has mugged an old lady does not deserve to be on the street, and I have no quarrel with that.

I do, however, have a quarrel with what we lock them up in; or what kind of secure facility we design; or what kind of supervision we set up for that person. I would like to speak very briefly to that in a moment.

There is another thing about removing career criminals from the street, career juvenile criminals, people involved in violent crime. I do not think that removing a large number of them will affect the crime rate very dramatically. I think that is again the conclusion of Dr. Dinitz's cohort study of 56,000 youths in Franklin County, Ohio.

It was his view that incapacitation of career juvenile offenders would have virtually no effect on overall crime rates. He noted that the smaller the town, the greater the likelihood that this would affect crime rates. But in the large city it probably would not.

I think one of the reasons it would not is that when you remove that person he is replaced by someone else to fill that role that he previously held in that community, in the city.

I think the chief of police's testimony from Chicago—which I found very, very good—pointed to that. The imprisonment of gang personnel and removal of them from the street and their imprisonment—primarily at Pontiac Prison, which is an unbelievably violent prison that had unbelievable problems for the last 5 years—once those fellows have completed their sentence they go back to the community and you have double the problem because they have been replaced. Their role was taken when they were in prison.

They come back to resume it, and there are two where there was previously one.

Senator SPECTER. By that standard it is hopeless.

Mr. MILLER. No; it is not hopeless. I think Sister Fattah's program is a good example of a route to go. They remain, for the most part, in the community where the roles are continually filled. It may not be the delinquent role, but the person is there. I think that can have effect.

Senator SPECTER. If they stay in the community, then they will not be replaced?

Mr. MILLER. I could not prove that, obviously, but I think there is some legitimacy to that view, yes. I think it is one reason her program has been so successful.

You may recall when we moved a large number of youngsters out of the Camp Hill Prison in Pennsylvania we used Sister Fattah's program. It is one of the few programs which has handled very, very difficult youngsters and handled them in a decent, humane, caring setting, and does not subject them to the kinds of rape and pillage that they have been subjected to in the large State prison.

I think we need many more programs like that. The problem is replicating them. You have such a wonderful woman running that program, how do you replicate her? That is very difficult.

If I might use a quick analogy as to what happens in removing career criminals. I think it is not unlike what happens—if you remember a high school experience, for instance, when the captain of the football team or the first trumpet in the band graduates everyone says, "What is going to happen next year? Where are the people that will be the stars?"

All of a sudden at the first practice next year there are stars sitting there that no one saw before, who had been sitting in the second seat the year before.

I do not think that is unlike what happens when one talks about removing career criminals from the street. It might be a bit too simple, but I think there is some legitimacy to that view.

I think that locking up those who have committed a series of violent crimes can obviously be justified, but I do not think we

should deceive ourselves that it will significantly affect rates of violent crime.

There is one very interesting research study done by Robert Coates at Harvard Law School, the Center for Criminal Justice, which I think touches upon this. He found that the greatest single predictor of later delinquency of juveniles was whether or not they had been kept in locked detention in their early teens.

The immediate response to that finding was, "Of course you would expect that because it shows our screening process is good. We lock up the more dangerous and therefore they tend to be more dangerous later."

But when they controlled for that, what they found was that youngsters were locked up not because of the seriousness of their crime. Those few who were involved with heinous crimes were statistically insignificant in terms of the large number that he worked with.

What he found was that people were locked up primarily for two reasons. One is socioeconomic class, they were poor. No. 2 was, there were beds available on the day of the arrest or the night they were brought in. If there were beds available they were kept there; if there were not, they were not.

Senator SPECTER. Mr. Miller, when you hear Mr. James from Denver testify about a small percentage, 200 career criminal juveniles committing 63 percent, I think he said; here, Professor Wolfgang was testifying about the 7, or 8, or 9 percent committing 67 percent of offenses, how can you say that if you remove that hardcore group—from my experience in Philadelphia identifying 2,500 hardcore burglars and robbers who commit a tremendous number—that the removal of those people will not be helpful?

After all, they do not occupy specific chairs like the first violinist, or the fullback.

Mr. MILLER. I understand that, but I do not know of any jurisdiction where that has in fact been done, where there has been any.

Senator SPECTER. Do you know of any jurisdiction where it has been done?

Mr. MILLER. I know the career criminal programs, for instance, here in the District of Columbia.

Senator SPECTER. What has it accomplished?

Mr. MILLER. I do not know that it has accomplished very much, I do not see a plummeting crime rate in the District.

Senator SPECTER. I do not think it has identified the career criminals and has taken them off the street. There are a lot of reasons for the failures. But there has been a lack of will and execution to really remove those career criminals from the street.

Mr. MILLER. Well, let me give another example, Senator.

Senator SPECTER. It might not work, but nothing else has.

Mr. MILLER. There are things that work, and I would like to speak to those. Let me give you a quick example, again from the District.

Senator SPECTER. We are just about out of time, will you do so quickly?

Mr. MILLER. The District of Columbia locks up 900 per 100,000 with no appreciable or palpable effect on the crime rate. If Pennsylvania locked up at the rate that the District of Columbia locks

up, Pennsylvania would have 100,000 people in prison. And there is no evidence here that that would lower crime. I think if you got to a quarter million or half a million it would affect crime, but it would also affect the nature of our society to some degree.

I think that you build a whole subculture of violence through the overuse of incarceration. I would guess every fourth or fifth kid in this city has had some personal experience with a detention center or a jail or a prison or someone in the family has. Coming and going, it redoes itself in the community.

Senator SPECTER. Dr. Miller, what do you recommend?

Mr. MILLER. I recommend that for those who have been convicted in a court of law of a crime of violence, that they be closely supervised, and in most cases in a secure facility—small. I would suggest something smaller than Mr. Strasburg. In my experience it should be something less than six beds per unit with two-to-one staff.

Senator SPECTER. Less than six beds with two-to-one staff?

Mr. MILLER. That is correct. I would point to the RCA unit on the grounds of Allentown State Hospital in Pennsylvania as a model, which seems to have worked quite well with kids convicted of major crimes of violence.

I would suggest that these not be State-run facilites with State employees, but they be done on a contractual performance-for-service basis. That they be well supervised and well monitored by the State or Federal funding agency. But that they be on a competitive basis.

I would suggest for those that are going to be in locked settings that we build in some element of human choice. The movement to the streets should be nonnegotiable, but there should be some negotiation possible around which facility you are going to be incarcerated in. That is exactly what we have always had for the dangerous people of the upper middle class, the ability to shop from locked setting to locked setting.

That holds that setting accountable in a business way. The Achilles heel of our correctional system for those who are in a locked setting is that there is no accountability. They are going to be there whether that staff wishes them to be or not; whether the staff does well or not, they are going to be there.

Senator SPECTER. How about electing them?

Mr. MILLER. Electing what?

Senator SPECTER. Electing the custodians.

Mr. MILLER. No, I am not suggesting that at all. I am suggesting, that if, for instance, you had 100 youngsters that needed a secure setting, I would not build a 100-bed unit, I would not put up 2, 50-bed units. I might put up contracts for bid for 10, 10-bed units and put them on a voucher system. Those that can hold their kids, that can produce certain kinds of educational results, certain kinds of vocational results, will get the State's money. Those that do not, get out of business.

Senator SPECTER. How much would that cost?

Mr. MILLER. It would cost less than what it is costing now to hold kids in State facilities. To hold a kid in a State reform school in Pennsylvania is now approaching $40,000. To hold him in a locked

facility in Pennsylvania is approaching over $50,000. Mr. Strasburg's facility in New York is approaching over $70,000.

Think what one could do to guarantee security and public safety, as well as decent care? It is much more than I could afford to spend for my son. You could hire three people to watch them around the clock, if that is the issue. There is a great deal that could be done.

The problem is, we need to free that money from the bureaucracies it is caught up in to provide decent care. We have an inverse system whereby those who are most likely to threaten the rest of us on the street, to bonk us on the head, are those that we stash in the largest bureaucratic, uncaring, neglectful facilties where they come out embittered and more dangerous.

It seems to me that we have to begin, as difficult as that is, to provide service to the undeserving, to that person that threatens us the most. That is the person that we have to hold back on letting go with retribution.

I am not suggesting they should be loose on the street. I am suggesting they should be of very much concern to this society because they threaten our society.

Senator SPECTER. Thank you very much, Dr. Miller. Thank you, gentlemen. Thank you all for coming.

The hearings are adjourned.

[Whereupon, at 1:05 p.m. the subcommittee adjourned, to reconvene subject to the call of the Chair.]

[The prepared statement of Jerome Miller follows:]

PREPARED STATEMENT OF JEROME G. MILLER

I appreciate the opportunity to testify before this Senate Subcommittee on the issue of violent juvenile crime. As you may be aware, much of the original Juvenile Justice and Delinquency Prevention Act of 1974 was based on our experience in reforming the Massachusetts juvenile correctional system...whereby we closed all the state training or "reform" schools in 1972. We were honored to have the Congress include a number of specific provisions in the Federal act which were derived from the so-called "Massachusetts Experience"....in particular, that section of the Act which referred to "advanced techniques" to be implemented in delinquency treatment and prevention. Now, as we near the end of the first decade of the implementation of the Juvenile Justice and Delinquency Prevention Act, it is clear that much of the original promise of that legislation has been unrealized, and at times, distorted to such a degree as to result in further misuse of troubled youngsters who break the law, while establishing new systems which neither guarantee juvenile justice nor effect public safety. When one looks to the issue of violent crime committed by juveniles, this is particularly evident.

Early on, the newly created Office of Juvenile Justice and Delinquency Prevention, with a wary eye on the mandates of the law, while nervously following the politics of juvenile crime, made a decision which guaranteed that involvement of OJJDP in delinquency prevention and treatment programs would, for the most part, come to naught. OJJDP decided to place emphasis upon the so-called "status offender"....the truant, the runaway, the disobedient teen-ager, who, though often handled by the courts and juvenile institutions as "delinquent", was not in the formal sense, an offender. Their "crimes" emanated from their "status" as juveniles...and would not be crimes were they of adult age. Of course, few could quarrel with this emphasis. Few of us would wish to see non-delinquent youngsters handled in the failed system of training schools, detention centers, and sundrie brutalizing institutional settings which at that time, and to this day, characterizes the bulk of juvenile corrections.

However, by choosing the "status offender" as the focus for federal effort, OJJDP insured repetition of a pattern of neglect and failure which has plagued the professional "child savers" in this country since the days of Jane Addams at the turn of this century. That is, the separation of the "deserving" delinquent from the "undeserving" or "true" delinquent.....the "good" delinquent from the "bad" delinquent. This approach resulted in the showering of services upon the the "deserving", (i.e. the status offender)... while reinforcing the inevitable counterside of the equation...withdrawal of services from the "undeserving" or "true" delinquent. This pattern was seen as particularly "appropriate" when it came to the juvenile who had been involved in serious or violent criminal acts. While more and more services were developed for the status offender, these developments were accompanied by attempts in many states, to deal more and more punitively with the "undeserving" or true delinquent.. with fitful additions of punishment upon punishment, rejection upon rejection, culminating in stratagems of officially sanctioned violence toward those who fit the category of "undeserving". Indeed, the whole premise

of the "status offender" emphasis was to keep these "deserving" youngsters from contamination by the "undeserving".

The trade-off seems to have been that to assure better services and care for the status offender, we must be willing to sanction and even encourage increased rejection and maltreatment of those defined as true delinquents. ....almost in an inverse ratio to the numbers and intensity of concern we wish to demonstrate for the "deserving". The indirect, and probably unanticipated effect of all this, always implicit in the pattern, is that we are left with a system of juvenile justice which is patently racist, and virtually irrelevant to those issues of juvenile crime which concern the average taxpaycr. We are increasingly finding ourselves saddled with a system for the prevention and treatment of juvenile delinquency which concentrates its efforts upon the most likely to succeed....whose who are least delinquent, most likely to be, or to resemble the children of the white middle-class, while neglecting (at best), or more ominously, supporting harmful institutionalization, criminogenic jailing, and punitive sentencing procedures for minority youth and others who are viewed as undeserving or true delinquents. It has resulted in a system wherein those who are most in need of care, concern, supervision, or treatment, are placed for the longest terms in the worst juvenile and adult facilities, subject to unspeakable neglect and violence, while those more likely to survive their adolescent years successfully, with or without services, are made heir to the finest of federally funded programs, professional care, psychiatric services, halfway houses, creative sentencing arrangements, etc. The delinquent youngster convicted of a serious crime returns to the streets from his "treatment", having been confirmed in his perception of a hostile and predatory world, and more often than not, having been given a "graduate" training in social deviance and criminal sophistication in whatever prison, training school, or detention he has been forced to attend.

This pattern, in peculiar way, fits the needs of most actors in the juvenile justice drama..from the federal bureaucrats who oversee the programs to dovetailing nicely with the predisposition of many in the so-called "helping professions" (Psychiatry, Psychology, and Social Work), providing a situation for all with virtually no chance of political risk or professional embarrassment. Unfortunately, it has little relevance to dealing with crime among juveniles, lowering rate of violent crime, or contributing in any palpable way to public safety.

Focusing on the status offender has resulted in more intense punitiveness toward, and neglect of, true delinquents. Ultimately, this misplaced emphasis will probably lead to more violence and more serious crime among non-status delinquent offenders. Perhaps not surprisingly, the focus on the status offender has probably not even resulted in bettering their condition...as they have been renamed "delinquent" or their institutions have been relabeled as now serving "disturbed" or "neglected" children. The "hole" becomes "intensive care" while "disciplinary segregation" becomes the "time out room".

Had OJJDP focussed upon providing more effective programs for serious or violent juvenile offenders, the effect could have been more substantial.

Providing decent programs while insuring better control for this group would have lead inevitably, to decent, more effective handling of status offenders as an indirect result. The reverse however, is not true. Treating a truant decently, in no way assures decency in the handling of a burglar. It is even less likely when the offender has been involved in a violent crime. The irony is that the bulk of models devised to handle status offenders, with some revisions, would be properly used with delinquents. Had they been so used, better care for status offenders would have followed naturally.

It is my conviction that had OJJDP concentrated its efforts first upon the bona fide serious delinquent offender, limited federal monies and resources would have yielded clearer results. Instead of concentrating on this smaller, identifiable, admittedly more difficult group, OJJDP preferred to widen the net of social control masquerading as "help" for status offenders....with few results, larger expenditures of federal monies, and no measurable effect on juvenile crime.

With this as background, I am obviously of the opinion that we need to concentrate efforts at reducing serious, and particularly violent crime among juveniles in the United States. However, I do not believe that juvenile crime is a phenomenon itself out of "synch" or disproportionate to crime in general, particularly among adults in the U.S. Though all crime has risen dramatically in the U.S. over the past two decades, there is little evidence to indicate that juvenile crime has risen at a disproportionate rate relative to adult crime. A study of this, presently being completed at the Academy for Contemporary Problems will conlude that the rise in violent crime, while evident, is less attributable to juveniles in 1980 than it was in 1965.

While arrests of juveniles for index crimes increased by two and one half times from 1964 to 1979, arrest of adults increased by three time in that same period. It is true that while youth under age 18 comprise 14% of the population, they make up 25% of those arrested for violent crime, (murder, forcible rape, aggravated assault, and robbery). However, this was as true in 1964 as it is today. While adult arrests increased by 7% during the early 1970's, juvenile arrests increased by 5%. The Academy studies will conclude that though 1979 and 1980 will show an increase in serious crimes nationally, there was no evidence of a disproportionate rise in juvenile crime. Perhaps more to the point, is the dramatic increase in prison populations during the most recent periods of rising crime. The obvious conclusion to be drawn from this may not be the correct conclusion. Though one might reason that we lock up more people because we have higher rates of crime, one can with equal validity, using the same data, conclude that we have higher crime rates because we lock up more people.

As you are aware, Texas has over 30,000 inmates in its state prisons while Pennsylvania has about 8,500 (up by 1500 in the past two years). These two states are roughly equivalent in population size. Yet, there is no evidence of a lowering of crime rates (either through"incapacitation" or as a result of "deterrent" effect of incarceration) in Texas which continues to far outstrip Pennsylvania in its juvenile and adult crime rates.

There are a number of myths with regard to violent juvenile crime which need to be addressed as well. Those under 18 are not responsible for most violent crime. They are responsible for 9% of the arrests for murder, 16% for forcible rape, 31% for robbery, and 16% for assault. The majority of such crimes are committed by young adults in the 18 to 25 year old age range. Therefore, those who advocate handling juveniles as adults, in order to lower crime rates, must explain why those who are already handled in the adult system, and who contribute a disproportionate share of the violent crime in our society are not better behaved. Obviously, adult handling through imprisonment, mandatory sentences, and other stratagems currently in vogue, can in no case be shown to have lowered crime rates. The studies of Simon Dinitz indicate that the use of imprisonment for incapacitation of career criminals would have a negligible, if any, effect on crime rates in a community. Although one can predict the percentage of those who are likely to engage in violent crime, it is impossible to predict that specific persons will later commit violent crimes. He found that to accurately predict violence in one person, he would have to inaccurately predict violence 94.5% of the time. To correctly identify one potentially violent juvenile offender, one would have to misidentify (and presumably incarcerate) nine offenders. He commented that one could better toss a coin.

Clearly however, one has a better chance of predicting violence in a person convicted of 5 or more serious offenses over a period of time. That is, one can identify the violent offender once he as been convicted repeatedly as a violent offender. Though one may wish to incapacitate this offender, it is Dinitz' view that even in this case, incapacitation would have virtually no effect on overall crime rates. He notes that "the smaller the town, the greater the likelihood that this would affect crime rates". However, in urban settings, removal of one "career" criminal usually results in recruitment into that unfilled role of another, one who previously waited in the wings while the role was occupied. In fact, the removal of career criminals through simple incapacitation will probably eventually result in higher crime rates since when they return to the streets they will likely resume their previous endeavors with vengeance. Whereas previously there was one person occupying the role, now there are two or more....usually more sophisticated in crime as a result of their prison experience.

While violent juvenile crime has increased dramatically in the 1960's, researchers at the American Justice Institute and the University of Chicago have noted some stabilizing of rates of violent juvenile crime in the mid-1970's. Whether the overall increase in adult and juvenile violent crime in 1980 will lead us back to the dramtic surges seen in the 1960's is highly questionable.

It is also a fact that violent crime itself does not usually result in serious injury or death. Dinitz' cohort study of 811 "violent offenders" who had reached age 18 with at least one arrest for a violent crime, showed that 73% had committed crimes which neither threatened nor inflicted serious physical harm.

Weapons are infrequently used in violent crime...ranging from 10% in rural areas to 17% in some urban areas. Most violent crime is not premeditated as a violent act, but is incidental to a property crime. Victims are not,

characteristically, the old, the infirm, the helpless....but are more likely to be males of young adult or juvenile age. The exception to this rule are purse-snatchers.

What can we do about violent juvenile crime? We can, and should address the issue. Locking up those who have committed a series of violent crimes can obviously be justified. We should not deceive ourselves however, that it is likely to significantly affect rates of violent crime. With reference to juveniles, if we are to go that route, we should know that it is likely to lead to further, more complex problems later, not only for the juvenile, but for the community...while having little effect on crime rates during the period of the juvenile's incarceration.

Research developed by Robert Coates of the Harvard Law School Center for Criminal Justice produced an extremely important finding which seems to have been lost in the current debate surrounding the handling of juveniles as adults, calls for more use of incarceration, etc. Coates found that the greatest single predictor of later serious delinquency in a juvenile offender was whether or not he was kept in a locked dtention center or jail early on in his delinquent career. The logical conclusion one might draw from this finding is that it simply reinforces the validity of the screening process... that we are more likely to lock up the truly dangerous or potentially more serious delinquent. However, when the Harvard researchers looked into this, they found that being kept in locked detention had virtually no relationship to the seriousness of the crime. Those few cases of extreme violence which resulted in detention were so few as to be statistically insignificant. They found that youngsters were locked up for two basic reasons....they came from families of lower socioeconomic status, and there were beds available in the detention center on the day or nite of arrest.

One can justifiably draw the conclusion from this that incarceration is itself, criminogenic, and therefore should be resorted to only as a last resort....with full realization that though it may give respite from an offender's crimes for awhile, it will confirm, reinforce, and escalate later criminal behavior.

It is probably true that if we locked up enough juveniles or adults that crime rates would fall. However, for this to occur, we would have to lock up so many as to affect in basic and ominous ways, the underpinnings of our society. For example, the District of Columbia incarcerates at the rate of almost 900 per hundred thousand....with little evidence that it has lowered crime in the District significantly. If Pennsylvania incarcerated at the District's rate, Pennsylvania would have between 85,000 and 100,000 people in its prisons.....with little evidence that it would significantly lower crime rates in that state. Now if Pennsylvania were to incarcerate a quarter million, I venture that crime rates would begin to fall. If a million were in prison there, crime would probably fall dramatically. However, in the process, the society would have been considerably altered. It is probably true that there was little crime in Nazi Germany, Maoist China, or Stalinist Russia. If lowering of crime is the only goal, there are means for attaining it which are immediately at hand. However, in so doing we tamper with things more basic than the crime we wish to suppress.

What then, do we propose be done with the violent juvenile offender? I would recommend that the federal government support efforts for dealing with violent juvenile crime which finds other means of supervision and control, short of imprisonment or incarceration if that is at all possible. Incarceration should be the last resort....done with the full knowledge that ultimately it will likely make things worse for all concerned, though it may buy temporary peace.

We must redo the present inverse system through the development of humane, decent, caring ways of dealing with violent offenders. This would mean the development of small (6 to 10 bed units) for those convicted of serious crimes of violence, and found unresponsive to other means of supervision and control. Before this conclusion is reached however, it should be shown that the same amount of resources, monies and efforts had been expended on the less extreme means (less restrictive) alternatives.

For example, it hardly suffices to say that because an individual does not cease his criminal behavior while on probation, at a cost of $50 a month, that he has failed in the "alternative" to incarceration. If, in fact, incarceration in a locked setting costs $3,500 a month, that amount should be expended on the alternative before it is shown to "fail", calling for incarceration of the juvenile. Of course, at $3,500 (the cost for locked settings for juveniles in the Pennsylvania system) one could purchase considerable supervision, rehabilitation, etc. for an individual offender in a variety of non-incarcerative settings...with less likelihood of making matters worse.

Alternative programs, as well as incarcerative programs should, for the most part be made competitive, on a purchase of care basis. State-given services for persons in captive or semi-captive roles are notoriously unresponsive and ultimately brutal. I am of the opinion that corrections would be well advised to move toward performance basis contracts with private non-profit vendors, provided adequate standards and monitoring mechanisms could be maintained. In Pennsylvania, and in Massachusetts, for example, we found that the services for incarcerated youth given in small settings by private vendors were consistently of higher quality than the same services given in the state institutions...though the per capita costs in the state institutions were characteristically higher.

I recommend building into any supervision and treatment program for convicted violent juvenile offenders. and outside advocacy arrangement whereby the services and supervision may be periodically monitored by someone who is neither a part of the state correctional bureaucracy nor a part of the helping professions bureaucracy. This person should have some authority to recommend removal or re-placement in another program or facility if the program in which the juvenile finds himself is found to be inadequate, neglectful, or brutal. Though freedom may not be negotiable in such cases, placement in one facility over another should be a proper subject for negotiation. State dollars should follow the youth.

Research should focus on new questions. Rather than continued and relatively unfruitful attempts to define, label and categorize the types of juvenile offenders for example, we should expend equal effort

it categorizing the various types of correctional programs and facilities which appear to create certain types of violent juvenile offenders. Which prisons produce which kinds of violent persons? Which detention practices create which kinds of criminal careers? etc. We must begin to hold the child welfare and juvenile correctional systems accountable in the same ways and with the same diligence that we seek to hold the offender accountable. Why, for example would a 13 year old Charles Manson enter a juvenile correctional system as a "runaway" and emerge from San Quentin 19 years later to be involved in unspeakable violence? Could his being raped as a 13 year old in one of our child treatment facilities in any way be of relevance to his later rape of others in a "correctional" institution? It is a possibility.

Despite the fact that there are potentially more effective ways of understanding and dealing with juvenile violence, I fear that most will remain untried and undiscussed. Sadly, we are more likely to continue on the paths outlined by theoreticians in step with the times, who align themselves with the misinformed Right a la James Q Wilson, who is about to do for American corrections what Robert MacNamara did for Vietnam.

That is, propose "solutions" based upon questionable statistical analyses and formulae many times removed from any firm grounding in reality. Mandatory sentencing, incapacitation, deterrence, punishment, and retribution are the watchwords of the day....as they have been at other times in our history. The results will likely be much the same.....more violence. Despite current rhetoric, we need not sell off our humanity and decency to buy public safety. We need not write off anyone to guarantee public order. We have enough strength as a nation and a community to be able to show concern while exercising caution....to treat with respect, those who most threaten us through their violent actions. There is no need to widen the rift which the criminal creates.

Though we all share concern over the present unacceptable level of violent crime in our society, our "solutions" should not tear us further apart, one from another. Sloganeering in these times, is extremely dangerous...since the violence of the criminal has already laid bare the raw nerves in the body politic which cannot be further irritated without imperiling other functions. The "cheap shot" in discussing juvenile crime is too easy these days. The phrase, for example, " We seem to care more about protecting criminals than victims" comes easily to mind.

Let me give another example. Not many years ago, a new administration presented the following recommendations for dealing with crime: Aggravated penalties were proposed for a majority of acts already punishable under the penal code. Mitigations were proposed only in very exceptional cases. Attempts should be punished with the same severity as accomplished crimes. Self-defense should not be accepted as exculpation. Drunkenness should be an aggravating, not an extenuating circumstance. The penalizing of acts which had hitherto been lawful should have retroactive effect in cases where the acts in question were already condemned by public opinion at the time of their committal. A liberal recourse to capital punishment is recommended.

Restricted diets diets are proposed as a means of increasing the deterrent effect of prison. Dark cells and hard couches are mentioned as appropriate disciplinary measures. This new administration goes on to criticize the previous administration for allowing insults to national honor and insults to religious feeling. The reform proposal concludes: "Unscrupulous demagogues demand the abolition of punishment for abortion, i.e., the abolition of every protection for the future of the nation. It was even doubted that the state had a right to punish at all. It seemed that the welfare of the criminal, and not the welfare of the people, was the main purpose of the criminal law." This, from a memorandum outlining the reform of German criminal law to be taken in accordance with the principles of National Socialism...published in 1933. We should not deceive ourselves that what we recommend doing to the least deserving in our society will not eventually have unanticipated consequences for the rest of us.

APPENDIX

Statement by
Dr. Janet K. Carsetti, Director
Project READ
Washington, D.C.
July 22, 1981

The overall effectiveness from a positive school experience cannot be overstated. According to the Office of Juvenile Justice and Delinquency Prevention, "students who have litt'e stake in achievement in schools often become alienated and are more likely to engage in delinquent activities..." They further state that "following the family, the school is the major socializing institution in the experience of young people, and positive and supportive experiences in schools are critical to the development of constructive social behavior patterns."[1] Unfortunately, many schools have failed miserably to meet the needs of all their students resulting in high rates of suspensions, truancy, dropouts, violence and vandalism. As the holding power of schools decreases, the high percentage of young people on the streets constitutes a national concern. In 1976, 63% of major youthful offenses committed in New York City occurred during school hours.[2]

Alternative education programs can make a difference in reducing juvenile crime. Juvenile cases handled by the Washington County Youth Court in Greenville, Mississippi, dropped 10% from 1979 to 1980 and 39% from 1974 to 1980. Youth Court records show that juveniles accounted for only 5% of the total arrests made in Greenville last year, as compared with a national figure of 20%. Youth Court Judge Joseph Wroten attributed the decrease in juvenile crime in Washington County directly to prevention programs like Operation Sisters' United, (a Project READ particiant in 1980-81) and the Boys' Club. Wroten also credited the school system with helping to curtail juvenile crimes. [3]

In Laurel, Mississippi, the Police, the Youth Court, and the School District have gathered statistics on the effectiveness of their alternative high school, the Prentiss Learning Center. In 1978-79, out of approximately 2,000 youngsters from grades six through 12, there were 129 dropouts, 8 expulsions, and 524 suspensions from school. One year later, after the inception of the alternative high school, the dropout figure was reduced to 85, there were no expulsions, and only 102 suspensions --- one-fifth as many as the previous year. The School District has worked closely with the Police and Youth Court to keep children off the streets and in school. The Alternative School has proven to be a major factor in that effort.

Since the initiation of a public alternative school in Albuquerque, New Mexico, in 1978, there has been a retention rate of 99.8% for their 420 students. Additionally, school vandalism has dropped at the high school by 91% since that time.

At Edenton-Chowan Alternative School in Edenton, North Carolina, of the 61 students who have graduated since the school's existence, 50 of them would never have received any high school education, let alone a high school diploma.

Not only are young people "off the streets," but they are making educational gains as a result of "alternative education" initiatives. In 1978, test scores in reading, language arts and social studies were 20% below the national averages for those identified as potential dropouts at Albuquerque's West Mesa High School. In 1980, after the Life Center for Alternative Studies was in existence for one and one-half years, the test scores of some of those same students were at national levels in social studies and language arts, and already 10% above the national average in reading. In March of 1981, 94.7% of those students showed dramatic improvement in reading.

During the past six years Project READ has served more than 40,000 troubled youth from 400 institutions, alternative schools and community-based programs in 50 States and the District of Columbia. Close to one thousand teachers, administrators and youth workers have participated in teacher training workshops and more than one-quarter of a million paperback books have been distributed to young people across the nation. As a result, students participating in Project READ have shown significant gains in reading skills.

Project READ's work with secure institutions (training schools, local detention centers, etc.) as well as alternative schools and community-based programs for troubled youth, yielded comparative data on youth in various types of juvenile justice programs. The results of testing well over 10,000 youthful offenders indicate that their reading ability [redacted] at least three years below their potential and six to seven years below their grade level. These data also indicate that the most deficient readers are housed in institutions and that the national average reading level for institutionalized youth is at least one and one-half years lower than for youth in more "open" facilities. As a result of direct contact with youth in both training schools and community-based programs, our data suggest that young people fare far better when served in their own communities. When students' reading and mental ability scores from 34 alternative programs and 40 training schools were compared, the following findings occurred:

> Forty-two percent of the students in training schools were reading below fourth grade level versus 30% of the students in alternative schools. Both groups, however, had large numbers of students working below their potential: 70% in the training schools were working below potential and 66% in the alternative schools.

(Interestingly, Dr. Jerome Miller in his testimony citing Robert Coates' findings that "...The greatest single predictor of later serious delinquency in a juvenile offender was whether or not he was kept in a locked detention center or jail early on in his delinquent career...." [4])

During 1978-79, 3,663 youth from 100 alternative schools and community-based programs were tested in reading and mental ability. The average student tested among those youth had the ability to perform at an eighth grade level but was reading at a fifth grade level. It is important to recognize that these data indicate that Project READ participants have the ability to do better than their test scores for reading indicate. In short, they can read but don't!

With the proposed decrease in funding for all federally supported educational programs, the combined effect of these losses is destined to guarantee a rise in the number of our nation's undereducated, illiterate, troubled youth. In a nation that heartily supports public education and abounds in compulsory school attendance laws, it is indeed astonishing that close to 25 million adults over the age of 16 in our society are

functionally illiterate. More astonishing is the increase in the number of out-of-school youth and their impact on our growing crime rate.

As the Subcommittee on Juvenile Justice continues to examine the problem of violent juvenile crime I strongly urge that consideration be given to the effect of meaningful, alternative educational programs as one possible solution to this serious problem.

FOOTNOTES

1. U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Program Announcement: Prevention of Delinquency Through Alternative Education (February, 1980).

2. Citizen's Committee for the Children of New York, Inc., The City and It's Children: A View of How New York Services It's Children in 1979, The International Year Of The Child (1979).

3. "Wroten: Juvenile Delinquency Cases Dropping." Delta Democrat Times, Greenville, Mississippi (February 4, 1981).

4. Miller, Jerome, "Some Comments on the Violent Juvenile Offender." Testimony to the Senate Subcommittee on Juvenile Justice, July 9, 1981.

D.C. COALITION FOR YOUTH

TESTIMONY ON VIOLENT JUVENILE CRIME PRESENTED TO THE SENATE SUBCOMMITTEE ON JUVENILE JUSTICE
JULY 9, 1981

The D.C. Coalition for Youth welcomes this opportunity to present testimony before the Senate Subcommittee on Juvenile Justice. The Coalition is a membership organization composed of about 40 youth-serving agencies and youth advocates in the District of Columbia. The Coalition is an information-sharing, training, and advocacy organization. We have advocated for improved services for youth in the juvenile justice system since 1977 when the Coalition was organized out of a concern for status offenders.

We commend the Senate Subcommittee on Juvenile Justice for examining the meaning of delinquency amoung children and youth in this country. The juvenile justice system in this city actually worsens the problems it is designed to address: young people needing rehabilitation instead are victims of lengthy incarceration before being found guilty and are often abused in the city's facilities. In addition to the punishment which the community believes these young people deserve, they need services if they are to become productive, non-criminal adults. By failing to give them special education, job preparation and placement, family counseling and other services we are paving their road to adult prison.

The recent D.C. Bar Court Study Committee documented the woefully inadequate juvenile justice system in the city. The Coalition is particularly concerned about:

1) The D.C. system depends on incarceration as the primary response to even minor offenders, rather than utilizing more successful and less costly community based programs.
   - D.C. has the highest rate of custodial placement of juveniles in the nation. (National Center of Juvenile Justice)
   - 68% of all juvenile cases are ordered detained pending trial; at least ½ of all young people whose cases are petitioned are placed in secure detention; The National Council on Crime and Delinquency recommends a detention rate of 10%; about 12% of adults are detained pretrial in D.C.
   - Ten times more juveniles are detained awaiting trial than are found guilty and committed to institutions.
   - The average time for arrest to trial is 146 days, with youth detained pre-trial an average of 63 days, when national standards recommend 30 days.

2) Abuse of children in institutions is out of control. Rehabilitation cannot occur amid rampant physical and mental abuse.

- Youth have been shackled hand and foot to bedsprings.
- Some youth have not been treated for acute medical problems.
- There is excessive and dangerous use of solitary confinement at juvenile institutions.
- Youth have been sexually molested and physically abused by staff and other youth.
- No action is taken against abusive staff.

3) Services for incarcerated juveniles are limited - the Department of Human Services admits that at a cost of more than $25,000 per youth annually, these institutions are only custodial.

- Shocking staff shortages at Cedar Knoll and Oak Hill have resulted in a lack of school, vocational, and counseling programs.
- Most delinquents need special education or basic skills training which are lacking at the institutions.
- Because the institutions' educational programs are not recognized by the city school system, academic achievements by incarcerated young people are not acknowledged upon re-entry to public school.

These problems affect nearly two thousand young people who are detained or adjudicated in institutions each year in this city. Fewer than a third are arrested for crimes against people. We believe that limited juvenile justice resources should be utilized to rehabilitate these violent offenders. Young people arrested for less serious offenses should be offered intensive community based education, employment and family-centered counseling services. For most juvenile offenders services should be provided quickly before re-arrest. Funds should be used to purchase needed services rather than buying custodial residential care.

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PREPARED TESTIMONY ON THE VIOLENT JUVENILE OFFENDER IN MAINE BY A. L. CARLISLE, CHAIRMAN, MAINE JUVENILE JUSTICE ADVISORY GROUP

Nearly one-third (27.7%) of all those arrested in Maine in 1980 were juveniles. Of the 12,040 juveniles who were were arrested, 42.6% were arrested for serious or index crimes. Index crimes are defined as murder, rape, robbery, aggravated assault, burglary, larceny and motor vehicle theft.

Only 157, or 1.3%, were arrested for a violent crime. According to the 1980 Crime in Maine Report,"crimes of violence involve the element of personal confrontation between the perpetrator and the victim and entail the use or threat of violence"[1] and are defined as murder, rape, robbery and aggravated assault.

Violent Juvenile Arrests[2]	Male	Female	Total
Murder		1	1
Manslaughter	3		3
Rape	9		9
Robbery	34	4	38
Aggravated Assault	98	8	106
	144	13	157

The disposition of the violent juvenile offenders was as follows:[3]

1. Handled within department and released..... 30
2. Referred to juvenile court or probation.....117
3. Referred to welfare..... 2
4. Referred to other police agency..... 3
5. Referred to criminal (adult) court..... 5

As is evident from the above statistics, serious juvenile offenders account for almost half the juvenile arrests, but violent juvenile offenders comprise only a small number of those arrested. Although the number of juvenile offenders who commit violent crimes is small, such offenders do pose a problem for Maine in terms of disposition, treatment and reintegration into the community. Options for dealing with violent offenders are limited by the lack of a variety of treatment programs and by the prohibitive costs often connected with such programs. Aftercare, or follow-up, services are limited because of lack of resources.

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[1] Crime in Maine 1980, State of Maine, Department of Public Safety, p. 18.

[2] Ibid., p. 60.

[3] Ibid., p. 3.

In spite of the uncertainty of the future of the Juvenile Justice and Delinquency Prevention Act, the JJAG has developed a state juvenile justice plan which includes a strategy to assist the state in developing a means to deal with the violent juvenile offender. Initial contact has been made with some of the key people who might be involved. It is expected that such an effort would result in a coordinated approach, with a variety of options, for dealing with violent offenders. However, it is also recognized that implementation of any such plan would largely depend upon the availability of funds.

While the JJAG recognizes the need to develop some options to deal with violent offenders, it is apparent that the needs of the remaining 11,883 juveniles arrested must also be addressed. The JJAG is concerned that, if too much attention is focused on the violent offender, programs and options for the vast majority of juveniles arrested will be curtailed or even eliminated.

The Juvenile Justice and Delinquency Prevention Act, as reauthorized by Congress in December, provides for addressing the needs of all juveniles who come into contact with the juvenile justice system. By diverting appropriate juveniles from the system, existing resources can be better directed towards dealing with the violent offender. If the focus of the Act is changed, then the vast majority of juveniles may, once again, be inappropriately handled. The Act deals with all juvenile offenders, not just one specific group, and, as such, provides for a coordinated federal, state and local approach to juvenile delinquency. Concerns about violent crime can best be addressed through the Juvenile Justice and Delinquency Prevention Act, as currently funded and administered.

While violent offenders may be the most visible of juvenile offenders, they account for only a small percentage of juvenile offenders. If, indeed, our children are our future, it is imperative that all of us, at the local, state and national level, continue to both support effective current programs and to develop new ones in our efforts to both prevent juveniles from ever entering the juvenile justice system and to assist those already within the system to become contributing members of society. Without such concerted efforts to assist all juvenile offenders, not just violent offenders, the number of delinquents will continue to rise.

The Maine Juvenile Justice Advisory Group, therefore, suggests that the best means to deal with the violent juvenile offender is within the context of the Juvenile Justice and Delinquency Prevention Act, as reauthorized and as currently funded and administered.